REPORT ON CIVIL JUSTICE

FOR

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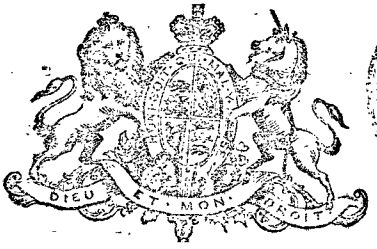
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MEMORANDUM

BY

MAJOR GENERAL A. FYTCHE, CHIEF COMMISSIONER, BRITISH BURMA

ON THE

REPORT ON CIVIL JUSTICE,

FOR 1868.

INTRODUCTION

Jurisdiction and Constitution of Courts.

1. As pointed out in previous Reports the various Civil Courts in this Province work under Act VIII of 1859 as amended by the Local Acts I of 1863 and XXIV of 1863. The first of these classifies the Courts and fixes their jurisdiction, and lays down certain special rules for this Province regarding appeals, &c. The second enables the Governor General to invest Courts with extended powers in the sense of enabling them to entertain suits of a lower value than that fixed in Act I of 1863, in fact to modify, in special cases, the rule that a suit must be brought in the lowest Court competent to try it, without repealing or altering for this Province the terms of Section 6 of Act VIII of 1859 or of Section 9 of Act I of 1863, which embody that rule. This method of getting out of the difficulty which would be caused by a rigid following of the rule has been objected to as clumsy, and the Commissioner of Pegu goes so far as to say, in paragraph 32 of his Report, that "the law as it thus stands, is an inconvenience and clogs the working of the Courts" adding "it will have to be amended" but he does not shew in what way it clogs the working of the Courts nor how in his opinion it should be amended. The Chief Commissioner is not at present disposed to recommend any change.

2. As the various Courts will be alluded to as 'Courts of the 1st Grade,' 'Courts of the 2nd Grade' &c., it will be as well to specify here what these terms mean. It has already been noted that Act I of 1863 divides the Courts into Grades: these Grades are:—

1st.—having jurisdiction in suits of not more than Rs. 500 in

value, and presided over by Extra Assistant Commissioners of the 3rd Grade or in Burmese "Myookes," that is "heads of townships" into which every District is divided.

2nd Grade—having jurisdiction in suits of more than Rs. 500 in value but of not more than Rs. 3000, presided over by Extra Assistant Commissioners of the 2nd Grade called in Burmese "Tseekays." These are situated in the large towns and take the place, it may be said, of Small Cause Courts.

3rd Grade—having jurisdiction in suits of not more than Rs. 5000 nor less than Rs. 3000 in value, presided over by Extra Assistant Commissioners of the 1st Grade or by Assistant Commissioners.

4th Grade—having original jurisdiction in suits the value for which exceeds Rs. 5000 and in appellate cases, and presided over by Deputy Commissioners.

5th Grade—having appellate jurisdiction only and presided over by Commissioners of Division.

6th Grade—having special appellate jurisdiction and presided over by the Chief Commissioner.

New Acts.

3. No new Acts affecting the Civil Courts in British Burma came into operation during 1868.

I.—BUSINESS BEFORE THE COURTS.

1. INSTITUTION OF SUITS.

Regular.

Increase and Decrease.

4. The number of regular suits instituted fell from 18,306 to 18,261 or by .24 per cent; suits connected with immoveable property and with divorce decreasing by 267 and 199 respectively, and suits connected with moveable property increasing by 421. The decrease in the first occurred, with one exception, in every Grade of Court in all three Divisions: in the Court of the 3rd Grade in Pegu, presided over by Extra Assistant Commissioners of the 1st Grade and Assistant Commissioners and in these only there was an increase of 15. Similarly the only Courts in which there was an increase in divorce cases were the 1st and the 4th Grade Courts in Tenasserim, in the former of which it amounted to 12, and in the latter to 42.

5. The increase in suits connected with moveable property was almost entirely in the Courts of the 2nd Grade and amounted to no less than 1482 or 9.84 per cent: which was met by a decrease of 1061 or 7.04 per cent in the remaining Courts, especially those of the 1st Grade in Pegu where the number of such suits fell by 753, from 7349 in 1867 to 6596. It is clear, therefore, from the Returns that litigation in all Courts except those of the 2nd Grade, to speak generally, has largely decreased, whereas in these Courts it has largely increased, and further that this increase has been solely in suits connected with moveable property. The explanation of this is not far to seek. The Courts of the 2nd Grade are established in large towns, and, consequently, represent Small Cause Courts; the majority of the suits which come before them are about money and trading matters, the number of suits connected with immoveable property having been only 8.90 per cent of the whole in 1867 and 7.42 per cent of the whole this year. It appears clear, therefore, that litigation has increased amongst the inhabitants of towns, but decreased amongst the rural population. The Chief Commissioner is disposed to regard the former as a healthy sign, shewing increased prosperity and mercantile activity.

Arakan Division.

6. The increase in suits connected with moveable property in Arakan, especially in the Akyab District, was large, being 12.54 per cent. This, the Deputy Commissioner of Akyab states, was partly owing to no 3rd Grade Court having been in existence during the year and, consequently, to suits which would have been brought in that Court being brought in the 2nd Grade Court (presumably by the plaintiffs abandoning a portion of their claim so as to reduce the amount in litigation to such a value as was cognizable by the Court of the lower Grade) and partly to the previous year having been an unsuccessful one in a mercantile sense; and these views the Commissioner of the Division adopts. But an examination of the Returns shews that whilst the increase in the 2nd Grade Courts amounted to no less than 565, the decrease in the 3rd Grade Courts was 149 only. Neither can the remark regarding the badness of the previous year be accepted for in 1867-68, that is during the greater portion of 1867, the previous year, the trade of the Division increased by about 4 per cent. The increase in the value of imports was no less than £215,810, the exports, however, falling

by £72,515, owing to a smaller export of Rice. But this smaller export was due to the want of ships, many of which in that year were taken up for the Abyssinian war, and not to any mercantile crisis or failure of crops, as no less than from 20,000 to 25,000 tons of rice were in stock at the close of 1867-68.

Miscellaneous.

7. The Miscellaneous suits decreased from 7745 to 7387. In two Divisions, Arakan and Pegu, there was an increase, from 1807 to 2170 and from 2419 to 3005. The real meaning of "Miscellaneous suit" does not appear to be understood, each officer interpreting it in his own way: it has been the custom of some officers to make recommendations regarding the appointments of Extra Assistant Commissioners in Miscellaneous Proceedings, and to enter these in their returns. An endeavour will be made to lay down fixed rules on this subject.

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2. VALUE OF SUITS INSTITUTED.

Regular.

8. The Returns do not shew separately the value of suits connected with immoveable and moveable property and divorce, an omission which will be supplied next year. The total value of suits fell from Rs. 13,04,883 to Rs. 12,90,572 that is by Rs. 14,311 or 1.09 per cent. The number of suits instituted having also decreased the average value of each case has remained at Rs. 71. This decrease in value was, however, in one Division only, where it amounted to no less than Rs. 52,487 or 18.98 per cent, the value of suits instituted having diminished from Rs. 2,76,409 to Rs. 2,23,922. The average value of each suit in this Division, Arakan, fell from Rs. 96 to Rs. 73, a fact which has not been noticed by the Commissioner of the Division, and it is impossible, therefore, to attempt any explanation of it, but it may again be remarked here that the number of suits connected with immoveable property decreased whilst those connected with moveable property increased, and that the decrease in value was in the suits instituted in every Grade of Court, except the 2nd. In these Courts, however, the *average* value fell from Rs. 96 in 1867 to Rs. 88; in the Courts of the lowest Grade the average value

Arakan.

fell from Rs. 107 to Rs. 50, the total value falling from Rs. 1,52,502 to Rs. 61,225 that is by Rs. 91,277 or by 59.85 per cent.

Pegu.

9. In the Pegu Division the total value of suits instituted increased from Rs. 8,55,309 to Rs. 8,90,718 that is by Rs. 35,409 or 4.14 per cent. The total number of cases instituted having fallen by 468 the average value increased from Rs. 68 to Rs. 74. In the Courts of the lowest Grade the total value fell from Rs. 5,07,389 to Rs. 4,28,282 the average value in these suits, which may be roughly taken as connected with immoveable property only, fell slightly from Rs. 57 to Rs. 56. In the Courts of the 2nd Grade the value of the suits increased from Rs. 1,72,832 to Rs. 2,44,981 or by 41.74 per cent, and thus although the number of suits instituted also increased yet the average value rose from Rs. 77 to Rs. 95. In the Courts of the 3rd Grade, entertaining suits between Rs. 3000 and Rs. 5000 in value with occasional exceptions *i. e.*, when they have received special powers under Act XXIV of 1863 alluded to in the Introduction to this Review, the value of the suits instituted rose from Rs. 1,56,522 to Rs. 2,15,035 or by 37.38 per cent, the average value of each suit increasing from Rs. 118 to Rs. 144.

Tenasserim.

10. In the Tenasserim Division the total value of suits instituted increased from Rs. 1,73,165 to Rs. 1,75, 932 but owing to more suits having been instituted, the average value of each fell from Rs. 57 to Rs. 53. The value in the Courts of the 1st Grade fell from Rs. 1,07,834 to Rs. 1,07,023, the average value falling from Rs. 59 to Rs. 50 owing to the number of suits instituted having increased. In the Courts of the 2nd grade also the average value diminished, from Rs. 43 to Rs. 41, owing to the total value of the suits instituted having slightly fallen from Rs. 48,367 to Rs. 47,121 or by 2.5 per cent, the number of suits increasing from 1,105 to 1,130. In the Courts of the 3rd Grade the value increased from Rs. 11,751 to Rs. 18,713, at the same time that the number of suits fell from 82 to 35: the consequence was that the average value rose from Rs. 143 to Rs. 534, but no reason for this very large increase is given. The Deputy Commissioner of one District, indeed, in his 20th paragraph points out that the value of the suits instituted in one Court alone increased from Rs. 2,788 to Rs. 12,770 but he does not account for this.

Miscellaneous.

11. The value of Miscellaneous suits is given in the Returns as Rs. 5,53,419 against Rs. 4,11,683 in 1867. But an examination of these Returns shews that the manner of valuing Miscellaneous suits is apparently hardly more understood than the manner of fixing what should and what should not be classed under that head. For example in the Court of the Commissioner of Pegu, which has appellate jurisdiction only, the number of Miscellaneous suits instituted is given as 40, and their value as nil, whereas in the Court of the Commissioner of Arakan 1 suit was instituted and its value is given as Rs. 475. In some cases it appears to have been the custom to enter as a Miscellaneous suit every application for the execution of a decree, and as its value the amount of the decree which was to be executed. A circular of the Chief Court has, however, during 1869, laid down fixed rules for assessing the value of Miscellaneous suits.

II.—CONDUCT OF BUSINESS BEFORE THE COURTS.

1. 1ST GRADE COURTS.

Arakan Division.

12. The number of cases on the files for disposal in the Arakan Division was 1,232, of which 1,219 are returned as disposed of, leaving 13 pending at the close of the year. It would give an erroneous idea of the work performed by the Courts to allow this to remain unexplained. Of the 1,219 suits entered in the Returns as disposed of no less than 171 were compromised and 312 withdrawn or otherwise disposed of, so that the whole regular work of the Courts was to decide in 736 cases in 135 of which exparte decrees were given, leaving 601 as the number of cases in which a formal trial took place, or 49.30 per cent only of those returned as disposed of. That 38.79 per cent of the cases instituted in this Division in the Courts presided over by Native officers of the lowest Grade and who are most in contact with the rural population should be withdrawn and compromised certainly requires some notice and explanation, but the Commissioner has not alluded to the fact in his Report. The duration of the suits was not on the whole favourable considering that the suits are all of small value, and that the Courts are placed at the doors of the people: 1.81 per cent only were de-

cided in 1 day; 47.74 per cent in more than 1 but less than 8 days; and no less than 50.45 in more than 8 days, of which 75 lasted from 25 to 30 days, 42 from 31 to 45, 14 from 46 to 60 and 6 from 61 to 120. At the end of the year, however, the case longest pending had been on the files for 27 days only, and in this respect the Courts of this Grade in this Division compare favourably with those in Pegu and in Tenasserim as will be shewn further on. In 99 cases out of the 736 in which decisions were given, appeals were preferred: that is in 13.31 per cent were the litigants dissatisfied with the orders passed: last year the percentage was 9.67 only, the number of cases *decided* having been 868 and the number of appeals 84. Similarly the quality of the judgments, judging from the results of the appeals, appears to have deteriorated, for the decisions were upset in 46.50 per cent of the number in which the appeal was decided, against 44.15 per cent last year.

Owing to the decrease in the number of suits the total amount paid as costs fell from Rs. 13,567 in 1867 to Rs. 12,345; the amount paid as stamp fees falling from Rs. 7,447 to Rs. 7,030, and the costs other than stamps to Rs. 5,315 from Rs. 6,110.

Pegu Division.

13. In the Pegu Division there were 158 Suits pending at the commencement of the year which with 7,945 instituted gives 8,103 as the number on the files for disposal. Of these 8,046 were removed, leaving 57 pending at the close of the year; a very great improvement. Of the 8,046 removed from the files 1,872 or 23.26 per cent were withdrawn and compromised and in 5,166 or 64.20 per cent was a judgment given, in 637 exparte. Thus in 56.30 per cent only of those shewn as disposed of was a formal trial held and judgment given. The Commissioner has not remarked on this at all. The duration of cases cannot be considered as favourable, for no less than 50.36 per cent took more than 8 days to decide, of which 88 were concluded in from 16 to 24 days, 27 in from 31 to 45, 6 in from 46 to 60, and 11 in from 61 to 120. The case longest on the file at the close of the year had been 5 months and 12 days pending. This as shewn by the Returns was in the Myanoung District, but neither the Deputy Commissioner nor the Commissioner has even alluded to it. Out of the 5,166 cases in which judgment was given 538 or 10.41 per cent were objected to by the suitors and appealed against; of the 538 appeals 428 were decided of which

217 or 50.71 per cent in favour of the appellant and 211 or 49.29 per cent in favour of the respondent, in other words the decisions were reversed in more than half the cases in which appeals were preferred. The working of these Courts in this Division, if they are to be judged by the Returns, was certainly worse than during the previous year, when of the appeals decided 48.59 only instead of 50.71 were in favour of the appellant.

The actual amount paid by the suitors as costs was considerably more this year, having been Rs. 83,809, against Rs. 77,398 in 1867, but the larger portion of this was paid to Government as stamp fees, that is Rs. 55,534 or 66 per cent of the total costs against Rs. 48,689 or 62.90 per cent in 1867. The remarkable point about the costs levied in these Courts in this Division is that the amount credited to Government as Stamp fees is 66.26 per cent of the whole, whereas in Arakan and Tenasserim it is only 56.13, and 56.93 per cent, and thus apparently the costs other than stamps must be levied on a different scale.

Tenasserim Division.

14. In the Tenasserim Division there were 67 cases pending at the commencement of the year, and 2,104 instituted, and thus 2,171 for decision. Of these 2,091 only were cleared from the files, leaving 80 pending, not so good a result as in 1867, when, however, there were fewer cases for decision, and when fewer were decided. Of those struck off the files, 503 were withdrawn compromised or otherwise disposed of, 1,587 having been decided on trial, in 56 only of which were exparte decrees given. Thus in 75.89 per cent decrees were given, and in 24.11 per cent the suitors themselves settled or withdrew the cases they had instituted. There was a slight falling off in the rapidity with which these Courts worked. Only 2.20 per cent were decided in one day against 3.35 per cent in 1867; 54.18 per cent in more than 1 but less than 8 days against 54.39 in 1867, and 43.62 per cent in more than 8 days against 42.26 in 1867. The number decided in 2 days, and in 4 days increased considerably, but so did those decided in from 9 to 15, from 16 to 24, from 25 to 30, and from 46 to 60 days especially. The case which at the close of the year had been longest on the file had been pending for 17 months and 24 days, according to the Returns, but the Deputy Commissioner states in his Report that the case longest pending at the end of the year had been on the file for 10 days only in his Court, but makes no allusion to this case which has been so long pending

n one of the lowest Grade Courts of the Amherst District, nor loes the Commissioner. The number of appeals preferred igainst the 1587 decisions given in these Courts in this Division vas 328 or 20.03 per cent, or about twice as many as in Pegu, ind considerably more than in Arakan. Of these 328 appeals 294 were decided, 132 or about 45 per cent in favour of the appellants, that is reversing or modifying the decree of the lower Court, and 162 or about 55 per cent in favour of respondent, confirming the decree of the lower Court.

The total amount paid as costs was Rs. 20,266, against Rs. 17,807 in 1867, but what is very peculiar is that far from this increase being caused by the higher rate of stamp duty or by a larger amount of stamp duty being levied on the larger number of cases, the amount realized from stamps actually fell from Rs. 11,913 to Rs. 11,559, or from 66.90 per cent of the total costs to 56.93 per cent, the costs other than stamps increasing from Rs. 5,894 in 1867 to Rs. 8707 or from 33.10 per cent to 43.07. This, which has brought this Division to about the same position as Arakan as regard stamps, appears to have escaped the notice of the Commissioner of Pegu.

Remarks.

15. On the whole the Courts of this grade have not worked well. The number of cases withdrawn from their files or compromised—in Arakan no less than 38.79 per cent of those instituted—the long duration of the suits considering their simplicity and small value, the number of decisions appealed against—in no case less than 10 per cent and in Tenasserim more than 20 per cent—the number of cases in which their decisions are altered—in no case less than 45 per cent of the appeals decided and in Pegu more than one-half—all tell decisively against these Courts. They were, indeed, worse in 1868 than in 1867. It will be impossible to improve them until the class of men appointed as Judges is improved and until they are more closely supervised; but the class from which the Judges must be selected is restricted and time and education and civilization alone can improve that class; and the work which a Deputy Commissioner in this Province has to perform, owing mainly to the size of the Districts and the utter absence of roads, notwithstanding the length of time which we have had the country and the Revenue it has furnished and the amount spent in it, renders it at present absolutely impossible that the supervision can be so effective as it should be.

2. COURTS OF THE 2ND GRADE.

16. It has already been noted that these Courts are situated in the large towns, and that the majority of the cases which come before them are connected with moveable property. In the Arakan Division the number of cases on the files for disposal increased from 766 to 1307 or by 70.62 per cent, and the number disposed of from 758 to 1288, the number pending at the close of the year being 19 against 8 at the commencement. Of these however only 981 or 76.96 per cent were decided on trial, and of these 216 exparte, 307 having been compromised withdrawn or otherwise disposed of. Notwithstanding the very large increase in cases instituted and disposed of the number of appeals preferred fell from 98 to 69, a very satisfactory improvement, that is from 11.29 to 7.03 per cent of cases decided and at the same time 72.13 per cent of the appeals decided were in favour of the respondent, the decisions being changed in 27.87 per cent only; not only is this good in itself but it is an improvement on last year when the decisions of these Courts were changed by the appellate Courts in 36.04 per cent of the appeals decided. The length of time taken to decide the cases also has decreased; 3.10 per cent were decided in one day against 2.37 per cent in 1867; 46.82 per cent in more than one but in less than eight days against 44.20 last year, and 50.08 against 53.43 in more than eight days; some of the suits, however, appear to have been pending for a long time and at the close of the year one had been on the file for 3 months and 16 days, but then it must be remembered that the work had nearly doubled. The average duration of cases was 9 days.

Arakan.

Although the suits increased so much in number yet the costs increased only from Rs. 10,102 to Rs. 16,829; an examination of these figures shews that the costs for Stamps increased from Rs. 6,552 to Rs. 12,633, or from 65.44 per cent of the whole to 75.07; costs other than stamps increasing from Rs. 3460 to Rs. 4,196 only, that is falling from 34.56 to 24.93 per cent.

17. In the Pegu division the number of suits for disposal including those pending at the commencement of the year increased from 2237 to 2596, the number actually cleared off the files increasing from 2214 to 2579, and thus reducing the number of cases

Pegu.

pending at the close of the year from 23, at which figure it stood at the end of 1867, to 17; of these 2579 cases 2072 or 76.46 per cent were formally tried, in 33 the decision being given after an exparte hearing, and 508 or 23.54 per cent were compromised, withdrawn, or otherwise disposed of, not so good as last year when 80.21 per cent were decided on trial. Owing to the duration of cases in these Courts in 1867 not having been given by the Commissioner in the Report for that year, it is impossible to draw any comparison between the length of time taken to decide cases in 1867 and in 1868. In the latter year no less than 29.10 per cent of the cases were concluded in one day, and 51.43 per cent in more than one but less than eight days, leaving only 19.47 per cent decided in more than eight days. The average duration was 9½ days only. At the close of the year one case had been pending for 8 months and 26 days. This was in the Toungoo District, but although this is the case which has been longest pending in the whole Division the cause of the delay is unexplained by the Deputy Commissioner or by the Commissioner of the Division. The number of appeals against the decisions of these Courts also increased from 144 to 203, that is from 8.10 to 9.79 per cent of the suits decided, but even this is not unsatisfactory, and tends to shew that the decisions of these Courts give satisfaction as a rule. The decisions were upheld in 57.87 per cent of the appeals decided during the year, which is about the same proportion as in 1867 when they were upheld in 57.50 per cent: this is the most unsatisfactory portion of the working of these 2nd grade Courts in this division.

The costs have risen from Rs. 18,438 to Rs. 31,053 or by 68.31 per cent, that is in a larger proportion than the number of suits decided increased but the increase in costs other than stamps was slight, from Rs. 6,155 to Rs. 7,760, the value of stamp papers filed having risen to Rs. 23,293 from Rs. 12,283, and being 75.01 per cent of the total costs, almost exactly the same as in Arakan, against 66.62 per cent last year.

Tenasserim.

18. In the Tenasserim Division the suits for disposal increased but very slightly, from 1127 to 1134, but the number of suits disposed of fell from 1123 to 1108, raising the number pending at the close of the year from 4 to 26; this was principally in the Tavoy district and the Deputy Commissioner remarks that some of the oldest cases, in this case instituted in Septem-

ber and October, are improperly kept pending for evidence, and both the Deputy Commissioner of Amherst and the Assistant Commissioner of Thatone note that applications for delays are continually made and that the cases are thus kept pending at the request of the parties much longer than they need be. The attention of all officers will be particularly directed to this possible engine of extortion. Groundless suits may be brought against individuals, and, by being intentionally delayed, kept hanging over their heads for months until the plaintiff or the plaintiff's pleader is bought off: the provisions of the Civil Procedure Code if correctly applied are quite sufficient to prevent anything of this kind. Of the 1108 cases which were disposed of 897 or 80.95 per cent were decided on trial, of which 39 were decided exparte. These Courts have done considerably more work this year than they did last, as the number decided on trial in 1867 was 699 only of which 51 were decided exparte. The rapidity also with which they worked has improved: the cases decided in one day fell from 6.86 to 3.15 which is most probably due to the comparatively smaller number withdrawn and compromised, the number of cases decided in more than one but less than eight days increased from 55.39 per cent to 66.07, the number which took more than eight days to try diminishing from 37.75 to 30.78 per cent. The case which at the end of the year had been longest pending had been on the file for 9 months and 3 days. This was in Tavoy, but it cannot be reconciled with the Report of the Deputy Commissioner of that District in which, in the 2nd paragraph, is recorded that "1 "case was pending from September, 2 from October, 7 from "November and 16 from December," as for a case to have been pending 9 months and 3 days at the end of the year, it must have been instituted in the end of March. The number of appeals preferred fell from 143 to 118 that is from 12.64 per cent of the cases decided to 10.66 per cent, of these 109 were decided, and of these 57.79 per cent were in favour of the respondent. This is a decided falling off from last year when the decisions were upheld in 63.57 per cent of the appeal cases tried.

The costs increased slightly from Rs. 7,019 to Rs. 7,539, mainly in the value of stamp papers which was 68.18 per cent of the whole against 64.58 per cent last year. The number of cases decided in Arakan was only 180 more than in Tenasserim and yet the total costs were Rs. 9,290 higher, of

which Rs. 7,493 were in stamps, but this is most probably due to the greater value of the suits decided, for the value of the suits instituted was in Arakan Rs. 1,15,279 but in Tenasserim Rs. 47,121 only. In Akyab there is a Court of this Grade in which the value of the suits instituted was Rs. 1,06,907 but in Maulmain there is none, suits which in Akyab are brought in this Court being in Maulmain instituted in the Recorder's or Small Cause Court, and the value of the cases instituted in the latter was, as shewn by the Report on the Administration of Justice in the Recorder's and Small Cause Courts Rs. 1,12,041: this only includes suits not exceeding Rs. 500 in value; in order to establish a fair comparison all suits of not more than Rs. 3000 in value which were instituted in the Recorder's Court should be taken into consideration but it is impossible, from the Returns alone, to separate these from the rest.

3. COURTS OF THE 3RD GRADE.

19. There were 18 cases pending at the commencement of the year in the Courts of this Grade in Arakan, and 522 were instituted during the year, so that there were altogether 540 for disposal on the files the number for disposal in 1867 having been 706; of these 540 cases 533 were disposed of leaving 7 pending. that is rather more than $\frac{1}{8}$ of the number pending at the end of 1867. Of these 62 were rejected, 140 compromised or withdrawn, and 331 only decided on trial, in 58 of which the decree was exparte, so that in reality it was only in 273 cases out of 533 that a formal trial was held or in 51.21 per cent of those removed from the files or 50.55 per cent of those for disposal during the year, and 25.92 of those instituted were compromised or withdrawn. In one Court, that of the Extra Assistant Commissioner stationed at the Naaf in the Akyab District, no less than 40 per cent of the cases on the file were compromised or withdrawn and 12.22 per cent of the plaints filed were rejected. The Deputy Commissioner, in the 11th paragraph of his Report, states that there was a decrease of 42 in the number of suits instituted in this Court, and giving no explanation of the number of cases which were compromised or withdrawn, attributes it to the effect of the Stamp Act, but considering the number of plaints rejected, no less than 22 out of 178 filed, and the number of suits withdrawn from the Judge's

Arakan.

cognizance by a compromise or a formal withdrawal, the Chief Commissioner is inclined to attribute it to the inefficiency of the presiding officer, Moung Kulla, whom the Commissioner reports to be worn out: he will very shortly be pensioned. Of the cases disposed of 17.23 were decided in one day, 41.57 in more than one but in not more than eight days, and 41.19 in more than eight days. This is a great improvement over last year, when only 1.74 per cent were decided in one day, 50.00 in more than one but not more than eight days, and 48.25 in more than eight days. The average duration also fell from 1 month and 13 days to 25 days. The appeals against the decisions of these Courts were 71 or 21.45 per cent: the decisions appealed against were upheld in 70.59 per cent of the (68) appeals decided.

The costs in these Courts amounted to Rs. 7,487 against Rs. 6,102 last year. The increase was solely in the value of stamp papers filed, due to the Stamp Act, and was from Rs. 3,853 to Rs. 5,051; the costs other than stamps decreasing from Rs. 2,436 to Rs. 2,249, due probably to the smaller number of suits. Thus the value of stamp papers was 63.14 per cent of the total costs.

Pegu.

20. In the Pegu Division the number of suits for disposal, of which 25 were pending from 1867, was 1447, of these 1422 were removed from the files, and 2 were transferred leaving 23 pending. Of these 1422, 1014 were decided on trial, but 187 of these were decided exparte, 144 were compromised, and 164 withdrawn, so that the number of those which did not come to judgment through the action of the parties was 21.65 per cent of those cleared from the files. In the Rangoon Cantonment Small Cause Court no less than 105 cases were decided exparte and only 86 after trial. In no other Court is the number decided in the voluntary absence of the defendant so large as this, and a special report will be called for on the subject, as it certainly leads to the belief that some abnormal cause must have been at work to produce such results as these, more especially as the Returns shew that they were withdrawn or compromised on the same day that the plaint was filed. The duration of cases in these Courts is on the whole satisfactory, 18.40 per cent having been decided in one day, and 33.28 per cent only having lasted more than eight days. This is mainly if not entirely due, however, to the statistics of the Rangoon Cantonment Small Cause Court being included as every case decided in that Court was decided in one day.

The working of the Courts of this Grade in the Rangoon District was not so satisfactory as regards rapidity as it might have been, the average duration of cases having been 1 month and 27 days, and at the end of the year one case had been pending 4 months. It should be stated, however, that the Assistant Commissioner stationed in Rangoon was overworked, as in addition to his judicial duties he had charge of the Treasury and Stamping office, and of the Deputy Commissioner's Revenue office whenever that officer was absent from Head Quarters; this has since been remedied. The number of appeals preferred was 75 or 7.39 per cent only of the cases decided, and 65 of these were tried during the year, but in 53.84 per cent of these the decision was reversed. The costs increased from Rs. 16,656 to Rs. 27,163, but though as in the other Grades of Courts there was a large increase in the stamp fees levied *viz:* from Rs. 11,691 to Rs. 17,546 or of 50.08 per cent yet the costs other than stamps increased from Rs. 4,965 to Rs. 9,617 or by 94.36 per cent, and it is not at all clear how this was. The ratio of costs other than stamps to the total costs during the two years 1867 and 1868 was 29.80 and 35.40 respectively.

Tenasserim.

21. The work of these Courts in Tenasserim was very light; 12 suits remained pending from 1867 and 35 were instituted during the year, making 47 only on the files altogether for disposal, and 42 of these were disposed of, 5 remaining pending at the end of 1868. Of these only 7 or 16.66 per cent were compromised or withdrawn, and of the 35 tried in one only was the decision given exparte. There is therefore a decided contrast between the work in this division, as far as the 3rd Grade Courts are concerned, and that in the other two. None of these cases were decided in one day, 59.52 per cent in more than one but not more than eight, and 40.48 in more than eight days. As regards the duration of cases, the 3rd Grade Courts in Tenasserim do not contrast favourably with those in Pegu or in Arakan: at the end of the year one case had been pending for 3 months. The percentage of cases appealed to cases decided was 22.85, and in 62.50 per cent of these the decision appealed against was upheld; not so good a result as in Arakan but better than in Pegu.

The costs increased slightly from Rs. 1,367 to Rs. 2,240, the percentage of costs other than stamps increasing in

a greater ratio than the stamp fees, as in Pegu. The value of the stamps filed in 1867 was Rs. 1,055 or 77.17 per cent of the total costs, whereas in 1868 it was Rs. 1,416, the proportion falling to 63.21 per cent.

22. The number of miscellaneous suits disposed of increased in the Pegu Division only from 275 to 413; in Arakan it fell from 441 to 356; and in Tenasserim from 55 to 42. In the former of these two Divisions however the costs increased from Rs. 503 to Rs. 696, the increase in all but Rs. 3, being in the costs other than stamps. In the Pegu Division the costs nearly doubled, increasing from Rs. 998 to Rs. 1,912, the value of the stamps filed and the costs other than stamps increasing in about the same proportion. In the Tenasserim Division, though the number of suits fell from 55 to 42 only yet the costs decreased from Rs. 268 to Rs. 35: the costs other than stamps falling from Rs. 209 to Rs. 9, and the value of stamp papers filed from Rs. 59 to Rs. 26. The proportion which the value of stamps filed bears to the costs other than stamps appears not only to vary considerably in each Division, but to vary in each Division each year. The principle upon which these costs are calculated partakes of that mystery which apparently shrouds the true definition of a miscellaneous case.

Miscellaneous.

23. The working of these Courts throughout the Province was on the whole satisfactory though there is still room for improvement. Over 22 per cent of cases decided appears to be a large proportion for appeals from the decisions of Officers who should have knowledge and intelligence, but in only two Divisions were the appeals as numerous as this viz., in Arakan and Tenasserim; the decisions here were upheld in over 70, and 62 per cent respectively but in Pegu when only 7 per cent of the decisions were appealed against, the decisions were reversed in 53 per cent. The duration of suits was not excessive, though a large number were by one means and another withdrawn from the cognizance of the Judges. The costs were, apparently, not excessive though from no information being given regarding the value of suits *decided*, although the costs on such cases are given, it is impossible to calculate any percentage which would have any pretence even to be a correct one.

COURTS OF THE 4TH GRADE.

Original Jurisdiction.

24. There are, including that of the Superintendent of Hill Tribes, 13 Courts of this Grade, and the number of original cases which came before them is but small.

Arakan.

25. In Arakan there are 4 of these Courts. The number of suits in them for disposal, the whole of which were instituted during the year, was 4, all for moveable property, 2 of which were in the Court of the Superintendent of Hill Tribes and 2 in that of the Deputy Commissioner of Ramree, the whole of which were disposed of. One suit lasted 1 day, one 2 days, one from 9 to 15, and one from 16 to 24 days. The decision in none of these cases was appealed against, and the total costs amounted to Rs. 38 only.

Pegu.

26. In the Pegu Division there were only 2 original suits tried in the 5 Courts of this Grade, both of which had been instituted during the year and which constituted all for trial. One in Rangoon was decided in from 91 to 120 days, and one in Prome in from 61 to 90 days. No appeal was preferred in either of these suits. The returns regarding costs are by no means clear and without any explanation it is impossible to interpret them correctly. The returns shew that there were no costs of any kind in the Rangoon District and that although the value of stamp papers filed in Prome was Rs. 88 yet the total costs amounted to Rs. 65 only.

Tenasserim.

27. In Tenasserim the only 2 suits on the files of the 4 Courts were decided during the year, 1 in 2 days and 1 in from 61 to 90. No appeal appears to have been preferred in either of these cases. The total costs amounted to Rs. 33, of which Rs. 234 or 70.6 per cent were for Stamps.

Appellate jurisdiction.

Arakan.

28. The number of appeals for trial in the Arakan Division by the Deputy Commissioners was 241 of which 16 were pending from the previous year against 250 in 1867 of which 15 had remained pending from 1866; of these 221 were disposed of, 14 by the rejection of the petition; 2 were compromised, 6 withdrawn or dismissed in default and 207 tried, 2 being de-

creed exparte, 78 for the appellant, and in 127 the decree was for the respondent the decision of the Lower Court being upheld. The average duration was about 20 days only. Out of these 13 were carried up to the Commissioner in 2nd appeal but no less than 7 of the petitions were rejected and in 4 the decision was upheld, and 1 being adjusted the Appellate decision of the Lower Court was reversed in 1 case only. This is satisfactory evidence of the manner in which the Deputy Commissioners of this Division performed their appellate work, as in 84.62 per cent the judgment was supported either by rejection of the petition or after hearing, and reversed in 7.69 per cent only. The value of the appeals was Rs. 23,803 against Rs. 33,224, this decrease followed naturally on the decrease in the value of the original suits in the lower Courts generally. The total costs, however, increased from Rs. 3,096 of which Rs. 2,933 were paid for stamps and Rs. 163 for costs other than stamps, to Rs. 3,701, of which Rs. 2,425 were for stamps, and Rs. 1275 for costs other than stamps, this cannot be considered as satisfactory but is unexplained.

Pegu.

29. In the Pegu Division 733 appeal cases were disposed of against 623 in 1867, leaving 127 pending at the close of the year against the same number in 1867. The number of petitions of appeal rejected out of these 733 was 19 or 2.57 per cent against 11 or 1.76 per cent last year. The number withdrawn decreased from 45 to 30, and the number compromised increased from 2 to 3. The number in which an exparte decree was given increased by 1, from 3 to 4. The number in which the decision of the Lower Court was reversed increased from 282 to 310, but inasmuch as the number in which the decrees of the lower Court was upheld increased in a greater proportion, viz: from 275 to 331, this is not so unfavourable to the lower Courts as might at first sight be supposed. The duration of the cases was hardly satisfactory; in the Myanoung District the average duration was no less than 5 months and 23 days, and at the end of the year one case had been pending for 8 months and 27 days. This is a slight improvement, certainly, on last year when the average duration was no less than 209 days, but it is none the less a matter which requires amendment. The Deputy Commissioner has proceeded to England on Medical certificate, and the Chief Commissioner has great hopes that matters will improve under his successor. The value of the appeal cases instituted increased from Rs. 8,054, to

Rs. 1,12,331. The costs in the appeal cases decided increased from Rs. 10,058 to Rs. 12,863, the value of Stamps filed having increased from Rs. 6,359 to Rs. 8,619, and the costs other than stamps having increased from Rs. 2,911 to Rs. 4,244. This comparatively large increase in the amount which suitors have to pay in addition to their stamp fees is a matter for regret.

Tenasserim.

30. In the Tenasserim Division there were 46 appeals pending at the commencement of the year, and 408 instituted during the year, so that there were 454 for disposal. Of these 436 were disposed of against 344 in 1867 out of 390 which were for disposal that year: the number, therefore, of such cases left pending was reduced from 46 to 18. Of these 31 were rejected against 24 last year, in 199 against 184 the decree of the Lower Court was confirmed but in 181 against 127 the decree of the Lower Court was reversed or modified, and 15 were otherwise settled against 9 in 1867: these figures do not speak well for the Lower Courts. In the Amherst District no less than 67 decrees were reversed or modified against 45 confirmed. The rapidity with which the appellate Courts in this Division worked was very good. The longest average duration in any District was one month and 22 days, in Shwè-gyeen it was only 8 days and in Amherst only 7. This great improvement in the latter, for last year the working of this Court was unfavorably noticed and was indeed bad, is entirely due to the energy and zeal of Lieut. Col. Horace Browne, who is now the Deputy Commissioner of Prome. There were 30 appeals from decisions given in these Courts of which 1 was rejected, and in 18 the decree of the Lower Court was supported: 6 cases being otherwise settled it follows that the decisions of these Courts were reversed or modified in 5 suits only. The costs were Rs. 4,924 of which Rs. 3,757 were for stamps, and Rs. 1,167 for other costs. In 1867 the returns shew that the total costs were Rs. 706 of which Rs. 674 were for stamps and Rs. 32 only for other costs. There would seem to be some error in this as it is almost impossible that the costs could be so small.

31. With the exception of that at Myanoung, these Courts have worked well, except perhaps that at Akyab where the average duration was 2 months and 5 days. But the Chief Commissioner would be glad to see greater endeavours made carefully to supervise the Lower Courts which, it must be confessed, are much in want of supervision.

5. COURTS OF THE 5TH GRADE.

32. These are purely appellate Courts and entertain appeals in original suits decided in the 4th grade Courts, that is, in Courts trying cases over Rs. 5000 in value, and second appeals or appeals from appellate decisions given in the 4th grade Courts when such appellate decisions reverse or modify those of the Courts of original jurisdiction.

Arakan.

33. Two appeals were pending at the commencement of the year in the Court of the Commissioner of Arakan, and 11 were instituted making 13 for disposal against 22 last year none of which had been pending from 1866: the whole of these 13 were disposed of, 7 of which were rejected, withdrawn, or dismissed in default, 1 in favour of Appellant and the remaining 4 were decided in favour of the respondent; so that in 84.62 per cent the finding of the lower Court was upheld: the duration of these appeal suits was 7 days only, and their total value was Rs. 665 only, this is a decided improvement on 1867 when the average duration was 11 days, and the total value Rs. 3306. The total costs fell from Rs. 304 to Rs. 185 due, possibly, to the smaller number instituted. The value of stamp papers fell from Rs. 280 to Rs. 81 or by Rs. 199 or 28.92 per cent, at the same time however, the costs other than stamps increased from Rs. 20 to Rs. 104. It may here be noticed that of the suits instituted 7 were connected with immoveable and 4 with moveable property.

Pegu.

34. In the Pegu division 3 appeals were pending from 1867 and 50 were instituted making 53 in all for disposal. Of these 45 only were disposed of and 9 remained pending. No reason is given for this increase in pending cases, and it appears strange that Colonel Ardagh could not dispose of more. No less than 32 of the appeals instituted were connected with land, and 4 were for damages for personal injuries or wrongs. Of these 45 cases 6 were never brought to trial at all the petition being rejected, 7 were remanded, and 2 withdrawn, so that in point of fact 30 only were disposed of by the Commissioner after trial, of which 20 were decided in favour of the respondent. The duration of these cases was no less than 1 month and 19 days, a falling off of 6 from last year. The costs increased from Rs. 788 to Rs. 1,410, the value of the stamps

filed increasing considerably, from Rs. 540 to Rs. 1,094, the costs other than stamps increasing from Rs. 248 to Rs. 355.

Tenasserim.

35. In the Tenasserim Division 2 appeals were pending and 28 instituted making 30 for disposal; the whole of which were disposed of, and 19 of them were connected with immoveable property. Of these 1 only was rejected and 6 withdrawn, leaving 23 for disposal by trial of which no less than 18 were decided in favour of respondent. The average duration was 25 days an improvement since 1867 when the average duration was 1 month and 8 days. The total amount of costs increased from Rs. 426 to Rs. 841 of which the largest increase was in the value of stamp papers filed, these increased from Rs. 339 to Rs. 531.

The Chief Commissioner would prefer to see greater rapidity in the disposal of suits in the Courts of this grade, especially in Pegu. In Arakan alone has the work been rapidly performed, indeed in Pegu there has been a decided falling off. Greater supervision also might well be exercised by these Courts over those which are subordinate to them. There is nothing recorded in the Reports to shew how many times Proceedings were called for from the lower Courts and examined; this checking of the lower Courts is one of the most important duties of the Commissioner of the division, and an order has been issued directing the Commissioners to call for and inspect at least 3 records of Proceedings once a quarter, or every month. This will, if the order is properly carried out, ensure a greater amount of supervision than appears to have been hitherto exercised. As regards the actual working of the Courts of this grade, there can be little doubt that the Court of the Commissioner of Arakan is the one which has, on the whole, worked most satisfactorily, and that the work in the Court of the 5th Grade in Pegu has not been carried on with that diligence which is so essential.

6. THE COURT OF THE 6TH GRADE.

36. The Court of the 6th grade is presided over by the Chief Commissioner, and its jurisdiction is confined to Special Appeals from the appellate decisions of the Courts of the 4th Grade, even though such appellate decisions do not modify or reverse the original decree of the lower Court. This being the distinction between a second appeal which lies to the Com-

missioner of the Division and a special appeal which lies to the Chief Commissioner that a second appeal can only be had when the decision of the lower Court is reversed or modified by the decision of the lower appellate Court on a point material to the case whilst there is no such restriction as regards Special appeals. The number of special appeals preferred was 23 which with the 3 pending at the commencement of 1868 make 26 for disposal, but of these 10 or 27.27 per cent were rejected, and in the remaining 16 the appellate decision was upheld; in other words the decisions of the lower Appellate Courts were not interfered with once and 1 case remained pending: the average duration of cases in this Court was 1 month and 8 days.

The work of the Chief Court is not confined to hearing appeals but it has also to supervise the working of all the Courts in the Province and to settle doubtful points which may be referred to it: this is the severest portion of the work of this Court in which there were 77 miscellaneous cases decided during the year, the average duration of which was 1 month.

III.—GENERAL REMARKS.

Arbitration.

37. The extent to which arbitration is resorted to is always an important one, and it has been noticed by all the reporting officers. There is, as is natural, some diversity of opinion as to whether many cases are or are not kept out of Court by being brought before the elders, but the balance of the evidence is decidedly in favour of the opinion that in a large number of disputes the people prefer to have their differences settled in their own village by their own village elders to proceeding some distance to a Civil Court to file a plaint, and to remain there some days away from their own private concerns till the case is finished, and in many cases the dislike to a continuous absence, although it may be but for a few days, leads to compromises, to cases being struck off by default and to exparte decrees. These in the whole Province amounted to no less than 7034, that is, 1660 decreed exparte, 1979 compromised, and 3395 struck off in default or otherwise disposed of, and although it is certain that all these were not owing to the dislike to attendance for some days at Court yet there can be hardly any doubt that many of them were. There were 409 cases of arbitration with which the Courts had anything to do viz. 7 in

Arakan, 323 in Pegu, and 79 in Tenasserim, in 65 only of which, all in Pegu, were awards made by arbitrators and then brought into Court to be made into decrees. The great difficulty in sending a case to arbitration after the plaint has been filed is in getting the parties to agree in the choice of arbitrators, but the returns shew that the number of cases in which arbitrators are made use of is steadily increasing. Believing, as the Chief Commissioner does, that arbitration of which the Courts hear nothing is largely resorted to he would attribute the fact of no endeavour being made to strengthen the award by its being made a decree to two causes, one that the people have been accustomed for ages to have their differences settled by arbitrators (who receive a fee) and, consequently, they are content with such an award and hardly ever dream of disputing it, for them it is as binding as any Civil Court could make it; and secondly that the power which they have to come to Court with their award and by a simple process have it converted into a decree is not generally known. Few but those engaged about the Courts would under any circumstances be aware of the provision of the Civil Procedure Code in this respect, and, as the Deputy Commissioner of Amherst observes, but few of the Burmese Pleaders or Judges really know anything of any law except their own laws of inheritance, divorce &c. There is one other reason which probably prevents many cases coming into Court and that is that the English law is not understood nor appreciated by the people. They have not been long enough under our rule to lose their affection for their own system and they thus in many instances prefer having their cases decided in their own way by those whom they consider "learned in the law" that is in the law which they have always been accustomed to.

Execution of Decrees.

38. There were 4,039 applications for execution of decrees, of which 1,009 were in Arakan, 2,289 in Pegu, and 741 in Tenasserim, the number of suits disposed of in those Divisions having been, as already shewn, 3,044 in Arakan, 12,051 in Pegu and 3,243 in Tenasserim or 18,338 in all. In as much, however, as many of the applications may well have been for execution of decrees given during the previous year no sound calculation can be made on these two sets of figures. The statistics given are such as to render it impossible to say in how many cases the decree was fully or partially executed,

and in how many not at all, but it appears clear that at least 230 persons were placed in confinement in execution of decrees, though probably this is not the full number. In many cases this has the effect of causing the immediate adjustment of the claim by the debtor or by his relations and friends, as nothing is more painful to or so much disliked by a Burman as imprisonment in Gaol. Many are discharged after being in confinement for 3 or 4 days only, or just as long as it takes to come to an agreement with the creditor. The Gaol Returns shew that at the end of the year there were only 39 Civil Prisoners in confinement 23 of whom were at Rangoon and Maulmain and who were, therefore, most probably many of them Natives of India confined by the Recorders for debts in the two sea port towns where the majority of traders are Natives of India.

Registration of deeds.

39. The Registration Act has never been extended to this Province and deeds are registered under local rules. The number registered is not large even in the two towns of Maulmain and Rangoon where, under an order of the Governor-General issued before the Indian Council Act, the registered owner of land is recognized by the Courts as the *bonâ-fide* owner. Nine wills were registered, but unfortunately the Commissioners have not stated whether they were wills of Buddhists, Mussulmans, Hindoos or Christians, most probably not of Buddhists for these do not as a general rule make formal wills though doubtless they do sometimes. The only places in which wills were registered were Rangoon 3, Maulmain 3, Bassein 1 and Prome 2; all of which are stations at where there are a comparatively large number of Europeans. Rather more than 833 deeds of permanent conveyance were registered, no less than 545 in Pegu 390 of which were in Rangoon; it is impossible to give the exact figures as the Deputy Commissioner of Prome has omitted any detail of the deeds registered. The number of deeds of temporary conveyance registered was 471, 445 being in the Pegu Division 407 of which in Rangoon alone. Except in the sea port towns of Akyab, Rangoon, Bassein, and Maulmain registration is but rarely resorted to as its value is not realized, the people believing that they can take as good care of the original as a Registrar, and, consequently, thinking that to pay a fee of Rs. 2 to register would be waste of money. There can be little doubt, how

ever, that registration properly carried out would be of the greatest advantage and that, consequently, every encouragement should be given to the people to register transfers of land and deeds of all kinds. In the 31st paragraph of his Report the Commissioner of Arakan remarks on the course adopted by the Deputy Commissioner of Ramree *viz:* to allow of no alteration in the land assessment Roll without his authority, and when any such change has to be made advising the people to register the deed of transfer. Steps will be taken to have this carried out throughout the Province, as far as possible.

Stamp Act.

40. Distinctly opposite opinions have been given by various officers regarding the effect of the Stamp Act, some urging that it has made no difference, others that it has checked vexatious litigation and vexatious litigation only, and others again saying that it has prevented many suits from coming into Court for the decisions in which resort would otherwise have been had to the Civil tribunals. Though, probably, these opinions are based on actual and daily observations yet as there is nothing in the Returns which would decisively shew the effect of the Act it is somewhat difficult to form a sound conclusion, that is a conclusion which could be supported by a reference to facts. All that can be said is that litigation among the rural population of the Province has decreased, whilst among the urban population has increased. The balance of probabilities appears to support the opinion that the Act has had little or no effect, and that the "tax on justice," if the levy of fees is to be called by a name which carries with it an idea of oppression and injustice, did no harm whilst it certainly enabled the Government to realize a larger Revenue.

Working of the Courts.

41. The working of the various Courts has, considering them as a whole, improved, yet the Courts of the lowest grade are, it must be confessed, sadly in need of still further improvement. The Judges are selected from amongst the most influential of the people, for an aristocracy as usually understood there is none, and like most Burmans they have little other education than that which they received as boys in some Budhist monastery and that which they have received by contact with the world. They have now, indeed, to pass examinations and though this makes them read up the Acts in which they are to be examined yet

they do not understand what they learn and have little or no power of applying it. The Chief Commissioner is far from wishing to see Extra Assistant Commissioners of the 2nd and 3rd Grades selected from youths who have received some smattering of education in a Government or a Missionary School to the exclusion of the old class of hereditary and highly influential men who were originally appointed, or rather retained, by the British Government for political reasons; any improvement, however, can only come from the spread of education, in the sense of a knowledge and practice of habits of regularity, order, and method, of self controul and of accuracy, a knowledge and practice which can only be arrived at slowly and after years of teaching, as European nations have been gradually taught, in a word by the spread of civilization in its broadest sense; and by a closer and more rigid supervision by the Deputy Commissioners, a supervision which it is now almost physically impossible for them to exercise, and considering their multifarious duties, the enormous size of their districts—Amherst is nearly as large as the whole Province of Oudh, and, unlike it, is mountainous and covered in many parts with forests,—and the utter absence of any means of communication other than those provided by Rivers —for there are only 655½ miles of Road in the whole Province and no first or even second or third class Roads between any two Head Quarter Towns of Districts; considering all this, the manner in which the duties of the Judges of the Courts of the 4th Grade have been carried on reflects very great credit on the officers who have held those appointments. It would be almost invidious to select any one for special mention but if any has excelled they are Lieutenant Colonel Horace Browne and Captain Plant to whom, as to the rest, the thanks of the Chief Commissioner are due.

Judicial Commissioner.

42. It cannot be doubted that one of the great wants of British Burma is a Judical Commissioner: the duties performed by this officer in the two other Administrations.—Oudh and the Central Provinces —are here performed by the Chief Commissioner, who in his executive capacity has as much to supervise and as many responsibilities as would suffice for one individual; in addition to which he cannot but think that to erect the chief Executive officer in a Province into Chief Judge is making him in many cases a Judge in his own cause having to determine

many points which intimately affect the Revenue and the well being of the Government for which he is responsible. The double duty, in most countries considered incompatible, of having to administer a country, and of being the sole presiding Judge in the ultimate Court of Civil appeal is one which entails so much responsibility, so much anxiety, and such an extreme amount of labour, that no where, except in British Burma, is it imposed upon any officer.

REPORT

OF THE

SESSIONS JUDGE OF ARAKAN.

For 1868.

From Lieutenant-Colonel J. F. J. STEVENSON, Commissioner of Arakan, to the Secretary to the Chief Commissioner of British Burma, Rangoon, No. 39 of 1869, dated Akyab, the 4th March 1869.

No. I. Statement of Suits instituted, disposed of, and pending.
" II. Do. Do. Classification of Appeals and Original Suits instituted.
" III. Detail of Suits disposed of.
" IV. Supplementary Returns showing duration of Suits and costs.
A. Statement of average duration of Suits
B. Statement showing the result of Appeals and Second Appeals.
C. Statement showing the result of Appeals and Second Appeals from each Grade of Courts.
D. Statement showing the duration of Civil cases in each Grade of Courts.
E. Statement showing the proportion of Appeals from each Grade of Courts disposed of.
F. Detail Statement of Miscellaneous Cases instituted and disposed of.
District Reports in Original.

I have the honor to submit my Report on the Administration of Civil Justice in the Arakan Division for the year 1868 accompanied by the Statements and Reports noted in the margin.

SECTION II.

2. The following was the state of the Regular files on the 1st January 1868 and 1st January 1869.

		1868	1869
	Commissioner's Court	2	0
AKYAB	Deputy Commissioner's Court	16	10
	1st Assistant Commissioner's Court	0	0
	2nd do. do.	12	4
	1st Class Ex: Assistant Commissioner's Court Naaf	5	2
	1st Class do. do. Koladan	1	1
	2nd Class do. do. Akyab...	8	17
	5-3rd Class do. Commissioners' Court ...	10	13
	Total.....	52	47
RAMREE ...	Deputy Commissioner's Court	0	0
	1st Class Ex: Assistant Commissioner's Court Kyouk-Phyoo	0	0
	3-3rd Class do. do. do.	1	0
	Total.....	1	0
SANDOWAY	Deputy Commissioner's Court	0	0
	2nd Class Ex: Assistant Commissioner's Court Sandoway	0	1
	2-3rd Class do. do. do.	0	0
	Total.....	0	1

NORTHERN ARAKAN...	Superintendent's Court	0	0
	Assistant Superintendent's Court	0	0
	Total.....	0	0
	Grand Total.....	55	48
	Increase...	0	0
	Decrease	0	7

I. Showing a decrease of seven cases in the number pending, a satisfactory result since there was an increase of 149 Suits instituted.

II. There were no Suits or Appeals pending in the Court of the Commissioner at the close of the year.

III. In the Akyab District there was a decrease of 5 pending cases. There was an increase of 9 pending suits in the 2nd Class Extra Assistant Commissioner's (Tsitkay) Court of Akyab and the Deputy Commissioner fairly attributes this to the great increase in the number of suits instituted in that Court, being 182 per cent, or 1095 this year against 388 last year. In the Court of the Extra Assistant Commissioner of Rathaidoung there were 11 pending against none in the previous year, for which the Deputy Commissioner says "no good cause has been shown, especially considering that this Court had only 150 suits before it."

AKYAB DISTRICT.

RAMREE DISTRICT. IV. In this District there were none pending.

SANDOWAY DISTRICT V. And in this there was but one pending.

NORTHERN ARAKAN. There was no suit pending in the Superintendent's Court Hill Tracts.

3. The number of Suits and Appeals instituted during the past 2 years was as below shown :—

		1867	1868
	Commissioner's Court	22	11
AKYAB ...	Deputy Commissioner's Court... ...	135	131
	1st Assistant Commissioner's Court ...	72	0
	2nd Do. Do. ...	308	144
	1st Class Extra Asst. Commr's. Court Naaf	217	175
	1st Do. Do. Koladan	102	39
	2nd Do. Do. Akyab	388	1095
	5-3rd Do. Do.	681	661
	TOTAL ...	1,903	2,245
RAMREE ...	Deputy Commissioner's Court	55	52
	1st Class Extra Asst. Commr's Court Kyouk-Phyoo	203	164
	2-3rd Do. Do.	437	380
	TOTAL ...	695	596
SANDOWAY	Deputy Commissioner's Court	46	44
	2nd Class Extra Asst. Commr's Court Sandoway	167	204
	2-3rd Do. Do.	296	180
	TOTAL ...	509	428
NORTHERN ARAKAN	Superintendent's Court	4	2
	Assistant Superintendent's Court	,,	,,
	TOTAL ...	4	2
	GRAND TOTAL...	3,133	3,282
	INCREASE	,,	149
	DECREASE	,,	,,

I. The above shows an increase of 149 in the number of suits instituted in all the Courts of the Division.

II. In the Commissioner's Court there was a decrease of 11 or one half in the number of Second Appeals preferred during the year under review.

There were no Regular Appeals.

	1865.	1866.	1867.	1868.
Second Appeals	15	21	22	11
Regular Appeals	2	...	...	...
Total ...	17	21	22	11

This decrease must be mainly owing to a ruling of the Chief Court, dated 20th June 1867, upon the finality of District Court decisions under Sec. XXVII of 1861 ; which was first acted upon last year.

AKYAB DISTRICT

III. In this District there was an increase of 346 Suits instituted but a decrease of 4 in the number of Appeals, making on the whole an increase of 342. This is mainly owing to the large increase of 707 suits in the Court of the 2nd Class Extra Assistant Commissioner of Akyab above adverted to. The Deputy Commissioner says "this is partly owing to there "being no 1st Class Extra Assistant Commissioner's Court "here as in 1867, where cases of small amount were tried and "the 2nd Class Assistant Commissioner's Court thus re-"lieved—but mainly to many more suits having been raised "in Akyab arising from the previous year in a Mercantile "sense having been an unsuccessful one." The Court of the Extra Assistant Commissioner 1st Class here referred to has during the past year been presided over by an Assistant Commissioner who tried only 144 cases while his predecessor an Extra Assistant tried 308. The difference devolved upon the Tsitkay (2nd Class Extra Assistant Commissioner) in whose Court there was a further large increase attributed to the previous bad commercial year. There was also an increase of 18 suits in the Court of the 3rd Class Extra Assistant Commissioner of Rathaidoung ; of 2 suits in that of Ooyettoung East and of 5 in Ooyettoung West. No cause is given nor is perhaps called for for,these small increases.

In the rest of the Courts there was a decrease in the number of suits instituted.

The decrease in the Deputy Commissioner's Court is trifling and calls for no remark. In the 1st Assistant Commissioner's Court Akyab, there were no Civil Suits instituted. This Officer has had full employment in Criminal and Miscellaneous duties. Having the powers of a Magistrate he has tried a large number of the Criminal cases of the District and committed nearly all the Sessions' cases.

Of the decrease of 164 cases (144 against 308) in the 2nd Assistant Commissioner's Court, the Deputy Commissioner says: "the cause is owing to the former Officer Mr. "C. D. C. Lloyd's hearing only suits, that originated in the

'Kyelet Township and cases in the Town in which Europeans were parties; whereas the latter (Mr. Perreau Extra Assistant Commissioner) took up a share of petty Town Suits.

In the Extra Assistant Commissioner's Court Naaf, there was a decrease of 42 suits. The Deputy Commissioner says, "this probably arises from the increase of the Stamp duties "discouraging petty litigation—as I notice that in the 1st "Quarter, there was a decrease as compared with that of "1867 of 14 suits, in the 2nd 22, in the 3rd of 13, but in the "4th an increase of 7—Moung Kallâ has not yet given in "reason for the decrease." This is all the information I have upon the subject and it is apparent that this is not sufficiently clear or conclusive to account for the decrease in question.

In the Extra Assistant Commissioner's Court Koladan, there was a decrease of 63 suits in the number instituted: this the Deputy Commissioner says "is attributable to there "being no Court in the Township since the middle of April "1868, the duties have been carried on at Akyab and Myo-"houng but at much inconvenience to the inhabitants." As regards the inconvenience the Deputy Commissioner is aware that it was unavoidable. The late Mr. Hunt was for some months in charge of this Township but was allowed upon the Deputy Commissioner's suggestion in consequence of the inclemency of the season at that time and his indifferent health to hold his Court in Akyab pending further orders. He died suddenly and the Myooke of the nearest Court was placed in temporary charge until the arrival of an Officer appointed to the charge. We have been short of Officers since Mr. Hunt's death and have been obliged to do the best we could. Akyab is 72 miles from the Court House of this Township: Myo-Houng two days journey by boat.

In the 3rd Class Extra Assistant Commissioners' Court of Myohoung and Minbya there was a decrease of 45 suits for which no cause is shown. The Deputy Commissioner says. "All the Judges of the Courts were called on to give "explanations of the cause of the decrease and increase of "suits, but I regret that in the instances above noted they "have not supplied any." I regret this: the Chief Commissioner will doubtless concur with me that such decreases should have been accounted for.

RAMREE DISTRICT.

IV. In this District there was a decrease of 95 suits and 4 appeals during the year under review. The decrease in original suits is in the Courts of the Extra Assistant Commissioners of Cheduba and Kyouk Phyoo; in the former Court there was a decrease of 62 and in the latter a decrease of 39 suits, which the Deputy Commissioner says, "is considered to be "caused by the depression of trade in the District and consequent smaller money transactions. "In Cheduba" says the Deputy Commissioner "the effects of the Cyclone of "November 1866 also were still felt in respect to the quantity of grain for export.

The next decrease is in the Deputy Commissioner's Court which is trifling and calls for no particular remarks.

With regard to the Courts of the Extra Assistant Commissioner of Aeng where there was no increase or decrease, and that of Ramree where there was an increase of 5 suits, the Deputy Commissioner says. "In the Court of the Extra "Assistant Commissioner 3rd Class 2nd Grade of Aeng, "there was no increase or decrease and this would seem to "indicate that the increased rate of stamp duty levied on "initiatory plaints did not affect the litigation in that Court, "but then the litigation is so insignificant that it affords no "good data from which the effect of those increased duties "could be judged whereas in the Court of the Extra Assistant Commissioner 3rd Class 3rd Grade of Ramree the increase of 5 suits would denote that the increased stamp "duties did not affect litigation there, consequently in this "District it is questionable whether those duties had any "thing to say to decrease in litigation, and the smallness of "the total litigation gives little scope to form any appreciable judgment thereon, but it will be remembered that the "new Stamp Act XXVI of 1867 was in full force throughout "the whole year of 1868, and only in force from March in "1867."

As I have already had occasion to remark it is not always possible to account satisfactorily for increases and decreases, especially where transactions are not numerous. There is nothing special that I know of in the circumstances of the Ramree District to cause either decrease or increase during the past year, save the operation of the revised stamp duties.

SANDOWAY DISTRICT.

V. In this District there was a decrease of 79 Suits and 2 Appeals. The great decrease was in the Court of the Extra Assistant Commissioner of Northern Division regarding which the Deputy Commissioner says. "The decrease is principally in the "Northern Extra Assistant Commissioner's Court and is "caused by the great stimulus given to litigation in that "Court the year before last by the extraordinary high price "of paddy, and small contractors for that article refusing to "fulfil their agreements. It will be remembered that in "that year the number of cases rose from 128 to 203." This I think must be accepted as a sufficient explanation.

NORTHERN ARAKAN.

VI. In the Court of the Superintendent of Northern Arakan or the tracts of our Hill Tribes where I am happy to say there is little or no Civil litigation, were 2 suits instituted against 4 in the previous year. The Superintendent says. "It will be ob-"served that there have been very few Civil Cases during the "year, the reason being that nearly all disputes of a Civil na-"ture are settled by the hill people amongst themselves." A state of things I am not disposed to interfere with.

There was an Assistant Superintendent appointed during the latter end of the year. No Civil suit has been instituted in his Court.

4th. The number of Suits and Appeals decided on trial and finally disposed of during the years 1867 and 1868 is given in the following Table.

		1867.		1868.	
		Decided on trial.	Finally disposed of.	Decided on trial.	Finally disposed of.
	Commissioner's Court	15	20	5	13
AKYAB.	Deputy Commissioner's Court	123	131	126	137
	1st Asst. Commissioner's Court ...	55	75	...	...
	2nd do. do. ...	162	298	95	152
	1st Class Ex. Asst. Comr's. Ct. Naaf....	85	214	68	178
	1st Class do. do. Koladan...	51	101	24	39
	2nd Class do. do. Akyab ...	218	384	616	1,086
	5-3rd Class do. do.	360	681	287	658
	TOTAL.....	1,054	1,884	1,216	2,250
RAMREE.	Deputy Commissioner's Court ...	48	55	40	52
	1st Class Ex. Asst. Commissioner's Court Kyouk Phyoo.	114	206	86	164
	3-3rd Class do, do. ...	179	436	190	381
	TOTAL.....	341	697	316	597
SANDOWAY.	Deputy Commissioner's Court... ...	45	50	41	45
	2nd Class Ex. Asst. Commr's. Court Sandoway...	133	168	149	202
	2-3rd Class do. do.	219	297	124	180
	TOTAL.....	397	515	314	427
NORTHERN ARAKAN.	Superintendent's Court	1	4	2	2
	Asst. Superintendent'sCourt ...	...	...	...	...
	TOTAL... ..	1	4	2	2
	GRAND TOTAL.....	1,808	3,120	1,853	3,289
	Increase.....			45	169
	Decrease			...	...

I. The above shows an increase of 45 Cases decided on trial and of 169 finally disposed of during the year.

AKYAB DISTRICT.

II. In this District there was an increase of 162 Cases in the number decided on trial and of 366 finally disposed of. This may be said to be entirely owing to the very large increase of suits in the Court of the 2nd Class Extra Assistant Commissioner in Akyab Town which has already been commented on. The two or three very trifling increases under these heads in other Courts do not call for notice.

RAMREE DISTRICT.

III. The Returns show a decrease of 25 Cases in the number decided on trial, and a decrease of 100 cases in the number finally disposed of, which the Deputy Commissioner refers "to decrease of Cases instituted owing to the supposed causes "already stated."

SANDOWAY DISTRICT.

In this District there was a decrease of 83 Cases in the number decided on trial and of 88 finally disposed of. It has already been shown that the decrease in litigation quite accounts for this. 1 Original case instituted in the Extra Assistant Commissioner's Court 2nd Class was tried in the Deputy Commissioner's Court, but no reason has been assigned for it.

NORTHERN ARAKAN

V. There were in all 2 cases decided on trial in the Court of the Superintendent who states. "The Cases shown in the "Returns for 1868 had to be settled in my Court as they "were disputes between persons belonging to different tribes."

5. The state of the Files as regards Suits and Appeals pending above 1 year on the 1st January 1868 and 1st January 1869 is, I am happy to say, blank for both years.

6. The state of the Miscellaneous Files was as follows

		1868	1869.
	Commissioner's Court	0	0
* AKYAB.	Deputy Commissioner's Court	2	5
	1st Assistant Commissioner's Court	0	0
	2nd do. do.	6	1
	1st Class Ex : Asstt : Commr's : Court Naaf ...	3	0
	do. do. Koladan	0	1
	2nd Class Ex : Asstt : Commr's Court Akyab	4	9
	5-3rd Class do. do.	0	8
	Total...	15	24

Ramree.	Deputy Commissioner's Court	0	1
	1st Class Ex : Asstt : Commr's. Court Kyouk Phyoo	0	0
	3-3rd Class do. do. ...	0	0
	Total...	0	1
Sandoway.	Deputy Commissioner's Court	0	0
	2nd Class Ex : Asstt : Commr's : Court Sandoway	0	2
	2-3rd Class do. do. ...	0	0
	Total...	0	2
Northern Arakan.	Superintendent's Court	0	0
	Assistant Superintendent's Court...	0	0
	Total...	0	0
	Grand Total...	15	27
	Increase...	0	12
	Decrease...	0	0

I. The above shows an increase in the number pending on the last mentioned date of 12 cases. On the 1st January 1869 there were but 27 Miscellaneous cases pending in all the Courts in the Division which is not unsatisfactory for all the officers concerned, when it is taken into consideration that there were 2,170 cases instituted, being an increase of 463 over 1867.

II. There were no cases pending in the Court of the Commissioner; there were none pending in the Court of the Superintendent of Hill Tribes, Northern Arakan.

III. In the Courts of the District of Akyab 24 cases were pending which is an increase of 9. The Deputy Commissioner says with regard to this as follows :—

"In the Deputy Commissioner's Court 2 are applications "for Certificates to administer to estates, and filed in Decem- "ber and 26th November—one an application to enforce a "mortgage, the time for foreclosure has not yet fallen in— "another regarding an Intestate Estate of a European, all of "its property has not yet been realized owing to difficulties "of carriage; and the last is to obtain property in charge "of a guardian instituted in December. 2nd Class Extra "Assistant Commissioner Akyab, an increase of 5—of the "9 pending four are for execution of decrees; of these 3

" were instituted in November, and 1 in December, the re-
" mainder are 5 applications for discharge from Civil duress—
" the earliest instituted 30th November last. 3rd Class Ex-
" tra Assistant Commissioner Rathaidoung—there is here an
" increase of 8, all applications for execution of de-
" crees. Of these 3 were instituted in December, but I con-
" sider that there should not have been so many as 8 pending."

IV. In the District of Ramree there was 1 case pending in the Court of the Deputy Commissioner of Ramree. The Deputy Commissioner says " being a case of Intestate " Estate and as the heirs, if any, to which resided in Sylhet " the notice for them to come forward had to be sent to that " District, and sufficient time allowed to admit of any heir " presenting himself before the Court."

V. There were 2 cases pending in the Sandoway District in the Court of the Extra Assistant Commissioner 2nd Class to none in the previous year. No cause is shown.

7. The following Statement shows the number of Miscellaneous cases instituted and disposed of in the year 1867 and 1868 as also the number of cases of above one year's standing at the close of these year's respectively :



		1867				1868			
		Instituted.	Disposed of by an order on their merits.	Finally disposed of.	Pending above one year.	Instituted.	Disposed of by an order on their merits.	Finally disposed of.	Pending above one year.
	Commissioner's Court	2	1	2	...	1	...	1	...
AKYAB	Deputy Commissioner's Court	40	38	43	...	53	38	50	...
	1st Assistant Commissioner's Court	60	29	60	...	27	8	27	...
	2nd do. do. do.	157	154	154	...	83	77	88	...
	1st Class Extra Asst. Commissioner's Court Naaf	182	71	184	...	137	60	140	...
	1st Class do. do. do. do. Koladan	42	26	42	...	18	7	17	...
	2nd Class do. do. do. Akyab	504	199	505	...	1184	493	1179	...
	5-3rd Class do. do. do.	145	121	146	...	177	133	169	...
	Total	1130	638	1134	...	1679	816	1670	...
RAMREE	Deputy Commissioner's Court	5	4	5	...	12	9	11	...
	1st Class Extra Asst. Commr's. Court Kyouk Phyoo	171	137	171	...	91	81	91	...
	3-3rd Class do. do. do.	176	127	176	...	177	127	177	...
	Total ...	352	268	352	...	280	217	279	...

SANDOWAY....	Deputy Commissioner's Court	16	12	16	...	7	5	7	...
	2nd Class Extra Asst. Commissioner's Court Sandoway	133	135	135	...	176	170	174	...
	2-3rd Class do. do. do. ...	74	71	74	...	27	22	27	...
	Total.....	223	218	225	...	210	197	208	...
N. ARAKAN...	Superintendent's Court	...	...	...	...	...	...	...	...
	Assistant do do.	...	...	...	...	...	...	...	...
	Total.....	...	...	...	...	...	...	...	...
	Grand Total.....	1,707	1,125	1,713	...	2,170	1,230	2,158	...
	Increase.....					463	105	445	...
	Decrease.....					...	...	...	...

I. The above return shows an increase under all the heads. There was an increase of 463 in the number of cases instituted, of 105 disposed of by an order on their merits and of 445 finally disposed of. There were no cases pending above one year.

A careful comparison of the results of both years as given in the Table shows that the large increase of work in the Court of the Extra Assistant Commissioner (Tsitkay) of Akyab is sufficient to account for this large increase of Miscellaneous cases. Where there are decreases as in Ramree and Sandoway the decrease of litigation accounts for them.

II. It is the practice in the Commissioner's Court to enter as Miscellaneous suits (or cases), only such as fall within the scope of Section XXII of Act I, 1863, and appeals from orders not of the nature of Decrees. As remarked in last year's Report of this Division there appears to be a diversity of practice in the Divisional Courts of British Burma in this respect.

AKYAB DISTRICT.

III. In this district there was an increase in the number of cases instituted of 549, of 178 decided on trial, and of 536 finally disposed of, sufficiently accounted for above (Para 7 Sec. I.)

Regarding the decrease of Miscellaneous Cases in other Courts the Deputy Commissioner says. "In three Courts "only is there a decrease, in the 1st Assistant Commis- "sioner's Court explained by its having no Civil suits in "1868, the executions of decrees that Court carried out "were those transferred from other Courts. In the 2nd "Assistant Commissioner's Court the decrease is explained by "its having tried fewer original suits than in 1867.

"In the Naaf and Koladan Courts; from the last named cause."

RAMREE DISTRICT.

IV. In this District there was a decrease under all heads of 72, 51, and 73, explained by the Deputy Commissioner as follows:

"A decrease in original suits instituted; would natural- "ly cause a decrease in certain Miscellaneous cases, such as "execution of decrees." "Claims to sue as pauper;" and "as the past year has shown a decrease in the institution of "Original suits the above decrease of 72 Miscellaneous caes

" instituted is attributed thereto; in 1867 there were 172 " cases for execution of decrees against 129 cases in 1868, " a decrease of 43 out of the total, decrease 72; and in 1867, " 4 cases of claims to sue in *formâ pauperis* were instituted " against 1 case in 1868. This disposes of 46 out of the " decrease 72, and the remaining decrease of 26 cases is due " to circumstances which are not affected by the institution " of Original suits and call for no special remarks."

SANDOWAY DISTRICT.

V. In this District there was also a decrease under all heads of 13-21-17. The Deputy Commissioner says:—"A decrease in " Miscellaneous suits and proceedings naturally follows from " the decrease in Regular cases."

NORTHERN ARAKAN.

VI. There was no Miscellaneous cases instituted or disposed of in this Court during the year under review.

8. The following statements show the Execution of decrees in the Division during the year under review.

	Akyab District.	Sandoway District.	Ramree District.	
Number of Application ...	697	183	Number of Application ...	129
Recovered in full ...	261	64	No. of decrees completely executed ...	83
Recovered in part ...	73	71		
Imprisoned	59	5	No. of decrees partially executed. ...	46
			Pending at end of year ...	0
			Total...	129
No Assets. Judgment debtor discharged. ...	11	0	Sales real property ...	9
			Sales personal property ...	14
Struck off-Judgment debtor not found. ...	110	1	Imprisoned ...	5
			Paid at once ...	55
Struck off through decree holder's fault or desire...	160	40	Warrant not executed ...	45
			Warrant withdrawn ...	1
Transferred to other Courts or	10	2		
Pending	13			
Total...	697	183	Total...	12

AKYAB DISTRICT.

I. In this District there were 697 applications for the execution of decrees of which in 261 applications the amount claimed was recovered in full; in 73 the amount claimed was recovered in part, and in 59 cases the decree was enforced by imprisonment. The Deputy Commissioner says "the proportion of applications to decrees passed is 64-18 per cent and varies much in "the different Courts, it is strange that out of 21 decrees "passed in the Koladan there should have been 18 applications. In other District Courts they are much fewer in "proportion to the decrees passed."

RAMREE DISTRICT.

II. The return of this District is in a different form and shows that there were 129 applications made for the execution of decrees, of these in 55 instances the amount claimed was paid at once and in 23 instances property personal and real had to be sold in satisfaction of the decree. The Deputy Commissioner says "it is satisfactory to notice that only in 9 "cases sales of real property took place in giving full effect "to the decrees of Courts; also that in 5 cases only, was "the decree enforced by imprisonment."

SANDOWAY DISTRICT.

III. In this District there were 183 applications made for the execution of decrees, of which in 64 cases the amount of decree was recovered in full, in 71 recovered in part and in 5 cases the decree was enforced by imprisonment. The Deputy Commissioner says, "Five persons only have been imprisoned for "debt during the year and no one remained in custody at "the close of the year."

9. Arbitration of Suits.

I. There were 7 cases of Arbitration only in the whole Division during the year under review viz.

Akyab District	...	...	...	6
Ramree do.	...	...	...	1
Sandoway do.	...	...	...	0

6 cases in the Akyab District were of private Arbitration brought into the Courts to be carried into effect, and the single case of Ramree was referred by the Court to Arbitrators.

II. On this point the Deputy Commissioner of Akyab comments as follows :—

AKYAB DISTRICT.

"To these sections of the Civil Code of Procedure re-
"course is but little had, the cause is probably, that where in
"a village conclave a decision as to a claim is arrived at, it is
"rarely necessary to call on the law to enforce performance for
"it is well known that many disputes regarding property are
"decided in village conclaves.

"In the 2nd Class Extra Assistant Commissioner's
"Court, Akyab, only two were brought into Court and carried
"into effect.

"In the Extra Assistant Commissioner's Court, Mroh-
"oung, there were 4. Of these, 3 were carried out and one
"struck off in default of costs.

"In none of the other Courts were any received."

I am one of those who would be glad to see a greater resort to arbitration but the insignificant resort to it in Arakan undoubtedly implies that litigants prefer our Courts. The inference is *primâ facie* favourable to the character of our Courts (as I cannot think that of two evils the people choose the least). My own experience of Arbitrators is that if not corrupt they are not generally unbiassed or unprejudiced.

III. The Deputy Commissioner says :—"There was
"only one case of arbitration which was
"referred by the Aeng Court to Arbi-
"trators at the request of the parties.

RAMREE DISTRICT.

"Arbitration is not in great favour with the people of the
"District, they often agree to abide by the decision of certain
"elders but as these elders do not write out a regular decision
"the parties do not consider themselves bound by the verbal
"decision of these Loogyees, consequently the aggrieved party
"applies to the Courts, and frequently a case has been regu-
"larly discussed in presence of elders in the village before
"being taken to the Court. This may be caused by a wish
"of the parties to get the opinion of men they respect prior
"to entering on the expense of a Law-suit but as a general
"rule the litigants of the District prefer the well constituted
"British Court to the verbal decision of men, not very learn-
"ed rejoicing in the name of *learned Elder* more on account

" of their village notoriety than from education, knowledge of " law, &c." These remarks of the Deputy Commissioner are " generally borne out by my experience.

IV. The Deputy Commissioner of Sandoway says :—

SANDOWAY DISTRICT. " No cases have been referred to Arbi- " tration from any of the Courts of this " District."

10. The following statement shows the appeals tried by the Commissioner.

Name and official Designation.	Second Appeal.		Regular Appeal.		Miscellaneous Appeal.	
	Decided on Trial.	Finally disposed of.	Decided on Trial.	Finally disposed of.	Decided on Trial.	Finally disposed of.
Lt. Colonel J. F. J. Stevenson, Commissioner.....	5	13	...	...	...	1

There were no Appeals pending at the close of the year.

11. The result of Regular Appeals and of Second Appeals disposed of by the Commissioner, and the number preferred from the decision of the Deputy Commissioners are given below :—

Name and Official Designation.	Regular Appeals.						Second Appeals.					
	For trial in 1868.	Confirmed.	Reversed or modified.	Rejected.	Struck off the file.	Remaining.	For trial in 1868.	Confirmed.	Reversed or modified.	Rejected.	Struck off the file.	Remaining.
AKYAB.												
Major E. J. Spilsbury, Deputy Commissioner.	...	...	...	...	...	...	6	2	1	3	...	...
J. Treacy, Esqr., Offg. Deputy Commissioner.	...	...	...	...	...	...	3	1	...	2	...	...
RAMREE.												
W. DeCourcy Ireland, Esq., Offg. Deputy Commissioner.	...	...	...	...	...	...	1	...	...	...	1	...
Captain W. C. Plant, Deputy Commissioner.	...	...	...	...	...	...	1	1	...	...	...	...
SANDOWAY.												
Captain W. W. Pemberton, Deputy Commissioner. ...	...	...	...	...	...	...	2	...	...	2	...	...
Total ...	„	„	„	„	„	„	13	4	1	7	1	„

I. From the above it will be observed that there were no Regular Appeals. Original Suits are very rarely tried by District Officers (Deputy Commissioners) from whom regular appeals lie, in British Burma.

II. There were 13 Second Appeals from orders passed by the Deputy Commissioners; of these in one instance only was the order of the Lower Appellate Courts reversed or modified; in 4 their orders were confirmed—in 7 rejected, and 1 was struck off the file.

The cause of rejection was principally that the Decrees appealed against were not appealable, either from the Decision of the Lower Appellate Court not being appealable under Section 27 Act XXIII of 1861, or from the two decisions of the Lower Courts concurring.

AKYAB DISTRICT.

III. There were 6 Second Appeals from the orders of Major Spilsbury, Deputy Commissioner of Akyab; 2 were confirmed, 1 was remanded for re-trial, and 3 were rejected.

There were 3 Second Appeals from the orders of Mr. Treacy, who officiated for Major Spilsbury from 2nd February to 1st April 1868.—1 was confirmed, and 2 were rejected.

RAMREE DISTRICT.

IV. There was 1 Appeal from the orders of Mr. Ireland Officiating Deputy Commissioner of Ramree, which was struck off the file for default.

There was 1 Second Appeal from the orders of Captain Plant, who succeeded Mr. Ireland on the 9th of January, and that was confirmed.

SANDOWAY DISTRICT.

V. There were 2 Second Appeals from the orders of Captain Pemberton, Deputy Commissioner of Sandoway. They were rejected.

The result of all these Second Appeals is favorable to all the Officers concerned.

12. The following officers were the Deputy Commissioners and Superintendent of Hill Tribes in charge of the Districts in the Division during the year.

AKYAB DISTRICT.

Major E. J. Spilsbury was Deputy Commissioner throughout the year, but on leave from 1st February to 31st March. He is a conscientious painstaking Officer.

Mr. J. Treacy, officiated for him from 2nd February to 31st March.

RAMREE DISTRICT.

Mr. W. De Courcy Ireland was Officiating Deputy Commissioner only from 1st to 8th January when he went on leave. He is always well reported of.

Captain W. C. Plant was Deputy Commissioner from 9th January to end of the year. He is an able and careful Judicial Officer.

SANDOWAY DISTRICT. Captain W. W. Pemberton was the Deputy Commissioner throughout the year. He is steady and careful.

NORTHERN ARAKAN. Mr. J. C. Davis was Superintendent of Hill Tribes Northern Arakan throughout, but absent on leave from 1st September to 16th October 1868, during which time Lieutenant Strover, the Magistrate of Akyab, officiated for him. Mr. Davis has little or nothing to do with the administration of Civil Justice. He is an able Officer in his departments.

13. The following statement shows the work done by each of the above named Officers of the Districts in the Division.

Names and Official Designation.	Appeals.				Original.			
	Regular.		*Miscellaneous.*		*Regular.*		*Miscellaneous.*	
	Decided on trial.	Finally disposed of.	Decided on trial.	Finally disposed of.	Decided on trial.	Finally disposed of.	Decided on trial.	Finally disposed of.
AKYAB DISTRICT.								
Major E. J. Spilsbury, Deputy Commissioner.	119	130	9	9	...	...	26	38
Mr. J. Treacy, Officiating Deputy Commissioner	7	7	1	1	...	...	2	2
RAMREE DISTRICT.								
Mr. W. DeCourcy Ireland, Officiating Deputy Commissioner.	...	...	...	...	...	...	...	...
Captain W. C. Plant, Deputy Commissioner	39	50	...	...	1	2	9	11
SANDOWAY DISTRICT.								
Captain W. W. Pemberton, Deputy Commissioner.	40	44	1	2	1	1	4	5
NORTHERN ARAKAN.								
Mr. J. C. Davis, Superintendent.	...	...	...	...	2	2	...	...
Total.	205	231	11	12	4	5	41	56

I. In all the cases, Appeals, Regular and Miscellaneous disposed of by Major Spilsbury during the year, only 5* Appeals were preferred against his orders to this Court, of which but 1 was remanded for re-trial, undoubtedly a very satisfactory result. He says: "It was not without much labor the "Appellate files were so reduced, for when the Deputy Com- "missioner returned from privilege leave on the 1st April,

*1 case preferred during the previous year and remained pending at its close is not shown here.

" there were 34 pending Civil Appeals—this large number " arose from the inability, through bad health of his *locum* " *tenens* Mr. Treacy, to give much attention to appeals dur- " ing the 2 months he officiated."

II. Mr. J. Treacy was Officiating Deputy Commissioner from 2nd February to 1st April 1868. 3 Appeals were preferred from his orders; 1 of which was confirmed and the others rejected.

III. Mr. Ireland was Officiating Deputy Commissioner of Ramree up to the 8th of January. 1 Appeal which was preferred during the previous year was struck off the file.

IV. Captain Plant was the Deputy Commissioner from 9th January to end of the year. Only 1 Appeal was preferred from his orders and that 1 was confirmed.

V. Captain Pemberton was the Deputy Commissioner throughout the year—2 Appeals were preferred to this Court, which were rejected.

VI. Mr. Davis was the Superintendent of Northern Arakan throughout the year. No Appeals were preferred to this Court from his decisions.

VII. I have to report that every opportunity is taken by this Court to point out all errors of procedure and irregularities of proceedings of the Lower Courts.

14. The following Officers were the Assistant Commissioners throughout the year. The number of suits decided on trial, the number of Appeals preferred from their decisions and the result of those disposed of during the year are shown below :—

Name and Official Designation.	1	2	3	4	5	6	7	8
	Appeals.							
	Decided on trial.	For trial during the year.	Number confirmed.	Number reversed.	Number modified.	Number rejected.	Otherwise settled or adjusted.	Pending.
AKYAB DISTRICT.		*	*					
Mr. J. Hind Assistant Commissioner 3rd Grade throughout the year.	0	0	0	0	0	0	0	0
Mr. C. D. C. Lloyd Assistant Commissioner 3rd Grade. From 1st January to 4th November and from 23rd November to end of the year	95	29	17	9	0	2	1	0
Total...	95	29	17	9	0	2	1	0

* 1 case pending at the close of the previous year from the orders of Lieutenant Poole is not shown here.

I. Mr. Hind was the Assistant Commissioner of Akyab throughout the year. No Civil suits were tried by this officer during the year under review.

The Deputy Commissioner reports that he has "carried on his duties during the whole year but has had no Civil suits to decide." He is a well known good Officer.

II. Mr. Lloyd was the 2nd Assistant Commissioner of Akyab throughout, but absent on privilege leave from 5th to 23rd November. Of 95 suits decided by him on trial 29 or about $\frac{1}{4}$th were appealed: of them 17 were confirmed and 9 reversed.

The Deputy Commissioner reports "Mr. C. D. C. Lloyd "carried on his duties during the whole of the year save 19 days when he went on privilege leave: he is rather hasty in

"his decisions but has good abilities—and is zealous in the dis-
"charge of his duties." From such opportunity as I have had of judging I may add that as remarked by the Deputy Commissioner this is a zealous and intelligent Officer anxious to discharge his duties satisfactorily.

15. The following Officers were the Extra Assistant Commissioners of the 1st class in the Division throughout the year. The number of Suits decided on trial, the number of Appeals preferred from their decisions, and the result of those disposed of during the year are shown below:—

Name and Official Designation.	1	2	3	4	5	6	7	8
	Decided on trial.	For trial during the year.	Number confirmed.	Number reversed.	Number modified.	Number rejected.	Otherwise settled or adjusted.	Pending.
AKYAB DISTRICT.		*				*		
Mr. T. W. Hunt, 1st Grade, Extra Assistant Commissioner Naaf. From 1st January to 29th April 1868.	15	4	4	.....	.....	.....	.....	...
Moung Kulla, 2nd Grade Do. Naaf. From 30th April to end of the year.	53	3	2	.....	.....	1	.....	...
Moung Kulla, 2nd Grade Extra Assistant Commissioner, Koladan. From 1st January to 14th April 1868.	13	9	3	6	.....	.....	.....	...
Mr. T. W. Hunt, 1st Grade Extra Assistant Commissioner Koladan. From 27th May to 5th August 1868.	9	3	3	.....	.....	.....	.....	...
Moung Pha Phroo, 3rd Class Extra Assistant Commissioner in charge Koladan. From 17th August to end of the year.	2	.....	.....	.....	.....	.....	.....	...
RAMREE DISTRICT.								
Moung Shwè Daikay, 2nd Grade Extra Assistant Commissioner Kyouk Phyoo. From 1st January to 26th May, and from 6th August to end of the year.	61	20	12	2	3	2	1	...
Moung Na Hto Shwè, offg. do. do. Kyouk Phyoo, from 26th May to 6th August 1868.	25	3	.....	.....	.....	2	1	...
Total ...	178	42	24	8	3	5	2	,,

* 1 appeal pending at the close of the previous year from Mr. Perreau's orders is not shown here.

I. Mr. Hunt was the Extra Assistant Commissioner of Naaf, from 1st January to 29th April, and of Koladan from 27th May to 5th August 1868 when he died.

Mr. Hunt as Extra Assistant Commissioner of Naaf and Koladan decided 24 Suits on trial. 7 Appeals were preferred from his orders: and all of them were confirmed. The result is very creditable.

The Deputy Commissioner says: "Mr. T. W. Hunt died "at Akyab on the 6th September; he was a hard working "Officer and a very conscientious Judge, his health has been "failing for some time before;" in which remarks I fully concur.

II. Moung Kulla was the Extra Assistant Commissioner of Koladan, from 1st January to 14th April, and of Naaf, from 30th April to end of the year. Of the 66 Suits decided by him on trial, 12 were appealed: of them 5 were confirmed and 6 reversed.

The Deputy Commissioner says: "Moung Kulla 1st "in the Civil Report of last year, the Deputy Commissioner "remarked that the working days of this old Government "servant were past, the report of this year is the same." There can be no doubt of this. I long since had the honor of recommending that he should be examined by the Civil Surgeon with a view to pension (my letter No. 180 dated 15th August 1868.)

III. Moung Pha Phyoo, Extra Assistant Commissioner of Myohoung Officiated in Koladan in addition to his own duties from 17th August to end of the year and decided 2 cases on trial. He will be reported on as an Extra Assistant Commissioner 3rd Class.

IV. Moung Shwè Daikay was the Extra Assistant Commissioner of Kyouk Phyoo from 1st January to 26th May, and from 6th August to end of the year. He was promoted to the 1st Class on the 11th December. He decided 61 suits on trial; 20 appeals were preferred from his decisions; of them 12 were confirmed 2 reversed and 3 modified. A good result.

The Deputy Commissioner says "Extra Assistant "Commissioner Moung Shwè Daikay is a good Judicial "Officer, careful, zealous and painstaking. He has lately "been most deservedly promoted to Extra Assistant Com- "missioner 1st Class 2nd Grade from 2nd Class 1st Grade." I concur with the Deputy Commissioner.

V. Moung Na Hto Shwè Officiated as Extra Assistant Commissioner 1st Class at Kyouk Phyoo from 26th May to 6th August.

He disposed of 25 suits on trial; 3 appealed, 2 rejected and 1 otherwise disposed of. He will be reported on as Extra Assistant Commissioner 3rd Class.

16. The following Officers were the Extra Assistant Commissioners of the 2nd Class or Tsitkays of the several Districts of this Division throughout the year. The number of suits decided on trial, the number of appeals preferred from their decisions, and the result of those disposed of during the year, are shown below.

Name and Official Designation.	1	2	3	4	5	6	7	8
		Appeals.						
	Decided on trial.	For trial during the year.	Number confirmed.	Number reversed.	Number modified	Number rejected.	Otherwise settled or adjusted.	Pending.
Akyab District.								
Moung Shwè Taw, 1st Grade, Extra Assistant Commissioner, Akyab throughout the year.....	616	39	23	9	0	1	2	4
Sandoway District.								
Moung Thadoway, 2nd Grade, Extra Assistant Commissioner, Sandoway, from 1st to 13th January, and from 13th March to end of the year.....	126	27	19	3	3	0	2	0
Moung Shwè Boo, 3rd Class Extra Assistant Commissioner, officiating do. do. from 16th January to 13th March 1868.....	23	3	1	1	1	0	0	0
Total.....	765	69	43	13	4	1	4	4

I. There were 2 Extra Assistant Commissioners 2nd Class in the Division at the close of the year, 1 in Akyab and the other at Sandoway. They disposed of 765 cases on trial, of them 69 or rather more than 1-11th were appealed, of them 43 or about $\frac{2}{3}$rd were confirmed, 17 or about $\frac{1}{4}$th were reversed or modified, a satisfactory result.

II. Moung Shwè Taw was Extra Assistant Commissioner 2nd Class 1st grade at Akyab throughout the year. He disposed of 616 cases on trial. There were 39 Appeals from his orders, of them 9 or $\frac{1}{4}$th were reversed or modified, a general result highly favorable to this Officer.

The Deputy Commissioner says: "Shwè Taw an intelli-"gent Officer and very well fitted for his Office, was the opi-"nion given in 1867: his conduct during 1868 has tended to "confirm it," remarks which I fully endorse.

III. Moung Thadoway was Extra Assistant Commissioner 2nd Class 2nd grade from 1st to 13th January and from 13th March to end of the year. He disposed of 126 cases on trial; of them 27 were appealed; of these only 6 or less than $\frac{1}{4}$th were reversed or modified, a very good result.

IV. Moung Shwè Boo Extra Assistant Commissioner 3rd Class of the Northern Division, Officiated as Tsitkay from 16th January to 13th March in addition to his own duties. He decided 23 cases on trial. Of the 3 Appeals preferred from his orders 2 were reversed or modified and 1 only confirmed. He will be reported on as a Myooke. The Deputy Commissioner of Sandoway says: "The Subordinate Judges "are named in the 2nd Para: of this Report: the writer hav-"ing taken charge of this District only on the 8th instant is "not in a position to report on their characters, but the late "Deputy Commissioner's opinion of them will be found in "his report of last year when they occupied the same positions "as at present."

Captain Pemberton spoke of Moung Thadoway in the following terms.

"The Tsitkay Moung Thadoway is a zealous intelligent "Officer, he has good knowledge of form and procedure;" which is a just commendation of this Officer.

17. The following were the Extra Assistant Commissioners 3rd Class throughout the year: the number of Appeals preferred from their decisions and the result of those disposed of are shown below:—

Name and Station.	1	2	3	4	5	6	7	8
		Appeals.						
	Decided on trial.	For trial during year.	Number confirmed.	Number reversed.	Number modified.	Number rejected.	Otherwise settled or adjusted.	Pending.
AKYAB DISTRICT.								
Moung Pha Phyoo, 1st Grade, Myohoung, throughout the year...	95	8	2	3	...	1	1	1
Moung Htoon Oo, 3rd Grade, Rathaidoung, throughout the year....	54	13	10	1	...	...	...	2
Moung Kulla, 5th Grade, Minbya, throughout the year. ...	66	13	4	7	...	...	...	2
Moung Hning, 5th Grade, Ooyettoung East, from 1st January to 19th October. ...	30	9	3	3	2	...	1	...
Moung Shwè Htoo, Officiating as 5th Grade, from 19th of October to end of the year. ...	2	...	...	...	...	...	...	...
Moung Bein, 5th Grade, Ooyettoung West throughout the year. ...	40	15	9	5	...	...	...	1
RAMREE DISTRICT.								
Moung Na Hto Shwè, 3rd Grade, Ramree, from 1st January to 23rd May, and from 9th August to end of the year. ...	63	11	5	2	...	3	1	...
Moung Htoon Aye, Officiating as 5th Grade, Ramree, from 23rd May to 9th August. ...	23	6	3	2	1	...	...	...
Moung Hla Htoon Oung, 2nd Grade, Aeng, throughout the year. ...	49	8	3	3	2	...	...	...
Moung Phoung Thaoo, 4th Grade, Cheduba, throughout the year. ...	55	2	...	1	...	...	1	...
SANDOWAY DISTRICT.								
Moung Shwè Boo, 1st Grade, Northern Division, throughout the year. ...	80	8	2	5	1	...	...	...
Moung Kya Oung, 5th Grade, Southern Division, throughout the year. ...	44	6	1	2	1	1	1	...
Total. ...	601	99	42	34	7	5	5	6

I. The above shows that there were 10 Extra Assistant Commissioners 3rd class employed in this Division throughout the year. They disposed of 601 cases on trial, of them 99 or 16 per cent were appealed, and of those appealed, 41 or 41 per cent were reversed or modified, and 6 remained pending at the close of the year.

The result is a fair average result for this Province and especially so I think for this Division where we have not many of the new school of educated young Myookes who have passed the prescribed examinations. We have in some instances what is perhaps better, respectable influential old Government Servants.

AKYAB DISTRICT.

II. Moung Pha Phyoo was Extra Assistant Commissioner 3rd Class 1st Grade Myohoung throughout the year. He disposed of 95 suits on their merits, 8 appeals were preferred from his orders, 3 of which were reversed, which is fair.

III. Moung Htoon-Oo was Extra Assistant Commissioner 3rd Class, 3rd Grade, throughout the year. He disposed of 54 suits on trial. There were 13 appeals preferred from his orders and in only 1 instance was his order reversed or modified; 2 remained pending at the close of the year, a very satisfactory result.

IV. Moung Kulla was Extra Assistant Commissioner 3rd Class 5th Grade of Minbya throughout the year. He disposed of 66 suits on their merits; there were 13 appeals preferred, 7 were reversed or modified and 2 remained pending; a result not very creditable.

V. Moung Hnin was Extra Assistant Commissioner 3rd Class 5th Grade of Ooyettoung East from 1st January to 18th October. He disposed of 30 suits on their merits, there were 9 appeals preferred, 5 were reversed or modified. The result is unsatisfactory. This Officer is under suspension and it has been recommended to remove him from the Government service.

VI. Moung Shwè Htoo acted as Extra Assistant Commissioner 3rd Class 5th Grade Ooyettoung East from 19th October, to end of the year. He decided 2 suits on their merits, which were not appealed.

VII. Moung Bein was Extra Assistant Commissioner 3rd Class 5th Grade throughout the year. He decided 40 suits on their merits—15 appeals were preferred from his orders, of them 5 were reversed and 1 remained pending. The result is fair.

VIII. Regarding the character of the above Officers the Deputy Commissioner says.

"Pha Phyoo is certainly indolent and does not give the "attention he should to his duties.

"Htoon-Oo shows a want of energy as a supervisor of "others—but is a steady and intelligent Officer.

"Moung Kulla 2nd is an energetic Officer, at times over "zealous—as a Judicial Officer he is indifferent.

"Moung Hnin, I cannot report favorably on this Officer; "he was suspended by order of the Chief Commissioner of "British Burma—18th October 1868.

"Shwè Htoo has officiated since 19th October 1868; "he has conducted his Judicial duties satisfactorily.

"Moung Bein has shown himself to be a very worthy "Government Servant, as Judicial Officer he has done well.

RAMREE DISTRICT.

IX. Moung Na Hto Shwè was Extra Assistant Commissioner, 3rd Class 3rd Grade, from 1st January to 23rd May and from 9th August to end of the year. He disposed of 63 suits on their merits. There were 11 appeals preferred against his orders, 2 only were reversed, a satisfactory result.

X. Moung Htoon Aye acted as Extra Assistant Commissioner 3rd Class 5th Grade, Ramree, from 23rd May to 9th August. He disposed of 23 suits on their merits. There were 6 appeals preferred and 3 reversed or modified.

XI. Moung Hla Htoon Oung was Extra Assistant Commissioner, 3rd Class 2nd Grade, Aeng, throughout the year. He disposed of 49 suits on their merits. There were 8 appeals preferred, 5 were reversed or modified, an unsatisfactory result.

XII. Moung Phoung Thaoo was Extra Assistant Commissioner, 3rd Class 4th Grade, Cheduba, throughout the year. He disposed of 55 suits on trial, of these only 2 were appealed and 1 reversed, a favorable result.

XIII. Regarding the above named Officers the Deputy Commissioner of Ramree says:

"Extra Assistant Commissioner 3rd Class 2nd Grade, "Moung Hla Htoon Oung improves on acquaintance and is "an intelligent Officer, a little hasty in coming to conclusions "and forgetful at times."

"Extra Assistant Commissioner Moung Na Hto Shwè "is a very superior man, quiet in manner, decided in charac- "ter, careful in his work, zealous, painstaking and intelligent, "well worthy of promotion. He is only Extra Assistant "Commissioner 3rd Class 3rd Grade and is posted in the "most important and largest town in the District and well "he has performed his task in looking after it.

"Extra Assistant Commissioner Moung Phoung Thaoo "is a good Judicial Officer tho' old and slow.

"Moung Htoon Aye is Clerk of the Deputy Commis- "sioner's Court; the short time he sat on the bench shows he "promises well as a Judicial officer."

SANDOWAY DISTRICT.

XIV. Moung Shwè Boo was Extra Assistant Commissioner 3rd Class 1st Grade Northern Division throughout the year. He disposed of 80 suits on their merits. There were 8 appeals preferred and 6 were reversed or modified, a bad result.

XV. Moung Kya Oung was Extra Assistant Commissioner 3rd Class 5th Grade Southern Division throughout the year. He disposed of 44 suits on their merits. There were 6 appeals preferred and 3 were reversed or modified, a bad result.

XVI. Regarding the character of the above named officers Captain Pemberton thus stated in the Annual Report of 1867.

"Moung Shwè Boo the Northern Myooke is a good "Judicial Officer, worthy of advancement, he has also a good "knowledge of Procedure."

"The Tsitkay Moung Thadoway and Myooke Moung "Shwè Boo invariably framed issues in the cases tried by "them, the issues are generally correct and to the point and "their decisions clearly given."

"The Southern Myooke Moung Kya Oung is old; I "can hardly say that he is efficient but he does his best."

18. From the 4 last Statements it will be observed that in the Subordinate District Courts 1639 suits were disposed of on trial during the year; of them the orders were appealed in 239 cases, or about 14 per cent, and in 78 instances (or one third) were reversed or modified; a generally fair result.

19. The following statement shows the Original cases in which the parties were personally present before the Court.

	Official Designation	In which Plaintiff was personally present before the Court.	In which Defendant was personally present before the Court.	In which both parties were present before the Court.	In which neither party was present in person.
Akyab.	Deputy Commissioner	...	...	...	...
	Assistant Commissioner...	...	...	...	...
	1st class Extra Asst. Commr.'s Court ...	105	3	261	...
	2nd do. do. do. ...	193	4	889	...
	3rd do. do. do.	201	101	356	...
	Total.....	499	108	1,506	...
Ramree.	Deputy Commissioner	1	...	1	...
	1st class Extra Asst. Commr.'s Court ...	34	35	95	...
	3rd do. do. do.	68	87	226	...
	Total.....	103	122	322	...
Sandoway.	Deputy Commissioner...	...	...	1	...
	2nd class Extra Asst. Commr.'s Court...	37	5	145	15
	3rd do. do. do.	44.	9	123	4
	Total.....	81	14	269	19
N. Arakan.	Supt. of Hill Tribes Northern Arakan	....	....	2	...
	Assistant do. do. do.	...	...	...	...
	Total.....	...	...	2	...
	Grand total.....	683	244	2,099	19.

The above calls for no particular remark

STATEMENT. I. 20. Detail of Statement No. I.

	Appeals.	Original suits.	Miscellaneous cases.	Total.
Pending	18	37	15	70
Instituted	236	3,046	2,170	5,452
Total ...	254	3,083	2,185	5,522
Disposed of	244	3,045	2,158	5,447
Pending	10	38	27	75

From the above it will be observed that of 254 Appeals all but 10 were disposed of during the year. That of 3083 Original Suits all but 38 were disposed of, and that of 2185 Miscellaneous cases, there remained but 27 pending at the close of the year.

In the last column it is shown that of 5522 Appeals, suits and cases pending for trial during the year, there remained but 75 undisposed of on the 1st January, which is 5 more than were pending on the 1st January 1868, but the increase is trifling, and calls for no particular remark. There was on the whole an increase of 614 in the number of Appeals, suits, and cases disposed of during the year compared with 1867.

21. An Abstract of Statement No. II for the year under review compared with that of the previous year is given below.

STATEMENT II.

	Appeals.		Suits.	
	1867	1868	1867	1868
I *Suits connected with immoveable property.*				
1 Houses	2	1	7	17
2 Land...	55	48	193	126
3 Mortgages	...	3	11	15
4 Fisheries	...	2	1	2
5 Inheritance	5	10	26	23
6 Other cases	...	...	50	46
Total	62	64	288	229
II *Suits not connected with immoveable property.*				
1 Debt	30	48	1,083	1,584
2 Damages for breach of contract or loss or injury to property ...	10	7	139	219
3 Damages for personal injuries and wrongs	9	9	32	71
4 Marriage or Divorce	22	17	213	144
5 Inheritance	7	4	66	19
6 Other cases	117	87	1,055	780
Total	195	172	2,588	2,817
Grand Total	257	236	2,876	3,046

From the above it will be observed that 293 of the Appeals and Suits were connected with immoveable property, and that 2989 were not so connected. Of the latter 144 were connected with Marriage or Divorce which is 69 less than in 1867.

STATEMENT III.

22. Detail Statement No. III.

	Rejected.	Decided on Trial.		Decreed Exparte.	Compromised.	Withdrawn or otherwise disposed of.	Transferred.	Total.
		In favor of Plaintiff or Appellant.	In favor of Defendant or Respondent.					
Appeals.	21	79	131	2	2	7	2	244
Original Suits ...	71	1201	442	409	399	523	...	3045
Miscellaneous Cases.	104	1000	230	271	185	352	16	2158
Total ...	196	2280	803	682	586	882	18	5447

The above shews that of 244 Appeals, 79 only or about one third were disposed of in favor of Appellants, a result not unfavorable to the Officers whose orders were appealed against.

STATEMENT IV. 23. An Abstract of Statement No. IV.

	1867.						1868.					
	Appeals.		Original Suits		Miscellaneous Cases.		Appeals.		Original Suits.		Miscellaneous Cases.	
	Months.	Days.	Months.	Days.	Months.	Days.	Months.	Days.	Months.	Days.	Months.	Days.
Commissioner's Court. ...	...	11	...	...	...	1	...	7	...	...	...	2
Average of the Akyab District	1	28	...	12	...	10	2	5	...	9	...	11
„ Ramree District. ...	...	4	...	18	...	12	...	7	...	11	...	12
„ Sandoway District. ...	...	17	...	13	...	12	...	9	...	9	...	9
„ Northern Arakan. ...	...	...	2	3	...	...	...	...	...	2	...	....
Average of the Division.	...	18	...	26	...	7	...	17	...	7	...	6

It will be observed that in the Commissioner's Court the average duration of Appeals was 7 days; in the preceding year it was 11 days. In Miscellaneous cases the average duration was 2 days against 1 day in the previous year.

AKYAB DISTRICT.

II. In the Deputy Commissioner's Court the average duration of Appeals was 2 months and 5 days against 1 month and 28 days in 1867; in Original cases the average duration of suits in this District was 9 days being 3 days less than in 1867—and in Miscellaneous cases it was 11 days against 10 days in the previous year.

The work in this District always heavy, has been exceptionally so during the year as has been already shewn; owing to some extent to the Deputy Commissioner's absence on 2 months' leave: and further to a great increase of work due to damages in the District done by the Cyclone.

III. In the Deputy Commissioner's Court the average duration of Appeals was 7 days against 4 days in 1867. The average duration of original suits in this District was 11 days being 7 days less than in the previous year, and in Miscellaneous cases it was 12 days which is the same as the previous year.

RAMREE DISTRICT.

IV. The average duration of Appeals in the Deputy Commissioner's Court was 9 days, being 8 days less than in the year 1867. In Original suits it was 9 days which is also 4 days less than in the previous year, and in Miscellaneous cases it was 9 days which is an improvement of 3 days over that of the previous year.

SANDOWAY DISTRICT.

V. In Original suits the duration was but 2 days only. There were no Miscellaneous cases in this Court of Northern Arakan.

NORTHERN ARAKAN.

VI. The average duration of Appeals in the Division was 17 days which is an improvement of 1 day over that of 1867. In original suits it was 7 days which is an improvement of 19 days, and in Miscellaneous cases it was 6 days being 1 day less.

VII. The total amount of value of Appeals, Original suits, and Miscellaneous cases was as follows:—

	1867			1868		
Of Appeals	36,530	1	1	24,468	8	2
Original Suits ...	199,916	14	3	2,12,418	14	8
Miscellaneous Cases...	1,38,746	4	5	2,08,506	7	0
Total	375,193	3	9	4,45,393	13	10

The value of Stamps amounted to:—

	1867			1868		
For Appeals	3,213	1	0	2,506	14	0
Original Suits	17,860	1	0	23,268	1	0
Miscellaneous Cases ...	1,130	6	0	1,768	13	0
Total Rupees	22,203	8	0	27,543	12	0

From the above it will be seen that the cost of Stamps amounted to about 10 per cent on the value of Appeals against 8 per cent during the previous year.

In Original suits the cost of stamps was nearly 11 per cent against 8 in 1867.

In Miscellaneous cases the cost of stamps was 8 per cent which is the same as in the previous year.

On the aggregate value of Appeals, Original Suits and Miscellaneous Cases the cost of Stamps amounted to 6 per cent against 5 in the previous year.

The costs of every description of suits disposed of including Stamps, Pleaders Fees &c. &c. were :—

	1867	1868
For Appeals.....	4,400- 5- 4	3,886-15- 8
Original Suits.....	29,688-10- 0	35,127-15- 8
Miscellaneous Cases.....	3,821- 9-10	3,865- 2- 3
TOTAL Rs...	37,910- 9- 2	42,880- 1- 7

In the Divisional Return submitted for the year 1867 the costs of every description for Appeals disposed of were erroneously shown to be Rs. 3,400-5-4 instead of 4,400-5-4 as here correctly shown. Instead of returning Rs. 3,026-0-10 as costs of every description the Deputy Commissioner of Akyab has shown Rs. 2,026-0-10 and it was to this that the mistake was owing. Vide para 45 of the Deputy Commissioner's Report. The Deputy Commissioner on being called upon to explain this error says—"the error must have been a clerical error which I regret was overlooked at the time."

From the above it will be observed that there was an increase in the costs of every description of suits disposed of under all the heads but Appeals. This is attributable to the increase in the number of Original Suits and Miscellaneous Cases and a decrease in the number of Appeals disposed of during the year under review, when compared with the previous year.

24. This Statement shows the average duration of Appeals, Suits and Miscellaneous Cases in the Courts of the Division and calls for no particular remarks.

STATEMENT A.

25. These Statements show the result of Appeals and 2nd Appeals, from all Courts of the Division and also call for no remarks.

STATEMENTS B. & C.

STATEMENT D. 26. This Statement shows the duration of all Civil Suits in each grade of Court in each District in the Division.

STATEMENT E. 27. Shows the proportion in which Appeals from each Grade of Court were decided, or otherwise dealt with.

STATEMENT F. 28. Shows Miscellaneous Cases under Section 22 of Act I of 1863 and other Acts.

29. The Register Books and Records of the Court of the Deputy Commissioner Akyab were inspected by me in the month of May and those of the Deputy Commissioners' of Ramree and Sandoway in December last.

I. With regard to the Registers and Records of the Commissioner's Court much damage has been done by the Cyclone of November on account of the building having been unroofed and much damaged; some of the Registers have not yet been found and the records are still in considerable but unavoidable confusion.

AKYAB DISTRICT. II. The Deputy Commissioner of Akyab says: "The "Registers are all properly kept, and "those of the Deputy Commissioner's "Court monthly examined. The Subordinate Courts have "also examined their's as directed by the Deputy Commis- "sioner. When the Deputy Commissioner visited the Dis- "trict Courts, he found the Records Registers &c, generally "kept in a satisfactory state. The report in detail on the "examination of Registers and records will be submitted as "directed after 31st March next."

"The Civil Registers are filed and arranged up to 1867."

RAMREE DISTRICT. III. The Deputy Commissioner of Ramree says:

"The Registers of the different Courts are all kept up "to date; those of the Lower Courts have been inspected by "the Deputy Commissioner during the year; and have been "neatly, clearly and carefully written, and are a credit to the "different writers of those Courts; when any mistakes or "misunderstanding were detected or found to exist they "were pointed out or explained.'

"The Registers of the Courts were inspected by the Deputy Commissioner as follows.

"Cheduba	Extra Assistant	Commissioner's	Court in	March 1868.
"Ramree	do.	...	do.	March and October
"Aeng	do.	...	do.	November.
"Kyouk Phyoo	do.	...	do.	Monthly.

"The Registers of the Deputy Commissioner's Court "were inspected by the Commissioner in March and Decem- "ber 1868.

"The Records have been arranged. Those selected for "destruction have been burned after careful inspection by the "Deputy Commissioner and in his presence.

"The record room is a masonry building and kept as "neatly and orderly as well could be.

"The Commissioner was pleased to express his satisfac- "tion on the occasion of his inspection on the 21st Decem- "ber 1868."

IV. The Deputy Commissioner of Sandoway says :—

"The Registers of the Court of the Extra Assistant "Commissioner 2nd Class are kept up and in good order; the "writer has not personally examined the others."

"The Records are filed up to 1868."

30. The library books of the several Courts of the Division are in fair order and the Catalogue of all library books kept up.

31. Registering of Deeds.

I. With regard to the books for registering deeds the Deputy Commissioner of Akyab says :

AKYAB DISTRICT.

"Deeds were registered here by Assis- "tant Commissioner Mr. Hind. The "books have been examined and found correctly kept, but as "the Registration of deeds is not compulsory it is but a com- "paratively small number that are registered. During 1868 "there were deeds registered in all as follows :—

"Permanent Conveyance	83
"Temporary do.	10
"Bonds and other documents	80
"Wills	0
"The fees amounted to	Rupees 346

"The Registers of Deeds of Naaf have been kept here (in "Akyab), since Mr. Hunt left that Station—there were no "entries in 1868."

II. The Deputy Commissioner of Ramree says:—"13 "Deeds were registered this year, all "being permanent conveyance of land. "The increase in the number registered "this year is owing to instructions being given to the differ- "ent Thoogyees to make no changes in the names of owners "of land entered in their land assessment register without "getting orders from the Deputy Commissioner to do so. "This occasioned (any) purchasers of land to apply to have "their name entered as owner in the said Register, and when "said application was made they were advised to register the "deed of sale and as the registry fee was small this advice "was acted upon:—Years ago the late Major T. P. Sparks "took great pains to have only the real owner of the land "entered in the Thoogyee's land assessment register which "being done he ordered no change to be made without the "permission of the Deputy Commissioner in those names; "this excellent provision had fallen into disuse and accidently "coming to know of it Captain Plant directed the old order "to be again attended to, supplementing the same with the "advice to register the deed of sale, this it is hoped will act "as the thin end of the wedge and show the people the great "use and protective importance of registering deeds of con- "veyance."

RAMREE DISTRICT.

III. The Deputy Commissioner of Sandoway says: "There have been no deeds registered dur- "ing the year, the only papers registered "are two Powers of Attorney. I have examined the Regis- "ter of Deeds (one Book has hitherto been kept for all, as "the entries are so few in number) and found it in good "order."

SANDOWAY DISTRICT.

The practice above described in the Ramree District is a good one if it can be carried out without annoyance to the people. It is to be noted that it is not pretended that entries in the Land Assessment Rolls are thus constituted irrefragable evidence. They are regarded in the Courts only as *primâ facie* good but not conclusive evidence.

IV. The Commissioner has examined these Registers, and one or two trifling irregularities found in those of the Ramree and Sandoway Districts were pointed out. It is unnecessary to detail here the remarks made.

32. Pleaders of the Courts.

I. The Deputy Commissioner of Akyab reports, that there are 44 Pleaders at the different Courts, all 3rd Class Pleaders with one exception.

II. The Deputy Commissioner of Ramree reports that there are 12 in his District.

III. The Deputy Commissioner of Sandoway says:

"Pleaders practising in the Courts are five in number all "3rd Class."

The whole number is not very large. It might be well to limit the number of Pleaders, but if men will qualify themselves for Certificates by passing the prescribed periodical examinations it might be unjust to refuse them Certificates.

33. There were no suits reported to have been preferred during the year in which Government was a party.

34. The *Gazettes* belonging to the several Courts of the Division have been reported to be properly filed.

35. The securities given by Nazirs have been revised and reported on as good and sufficient.

36. With regard to the working of the Stamp Act the Deputy Commissioner of Sandoway says: "The new Stamp " Act works well except that owing to the very large range " in the denominations of Stamps required for plaints under " its operation there is a difficulty in at all times keeping up " the supply at the remote Stations, and it has been found " necessary sometimes to use two Stamps to make up the " exact value. A portion of the decrease in the number and " value of suits instituted this year may be due to the en- " hanced value of Stamps on plaints which only operated on a " portion of last year, but I do not think it has affected liti- " gation much. The Annual Returns submitted herewith " contain all further information requisite and there is noth- " ing in their contents to call for particular comment."

37. The Deputy Commissioners of Akyab and Ramree have not reported upon the Act specially.

38. I have no reason for supposing that the rates of Stamp charges are so high as to be unjustly prohibitive.

The Act appears to work well and I have heard no complaint against it. Its financial results are fair.

———:o:———

REPORT

OF THE

SESSIONS JUDGE OF PEGU

For 1868.

From Lieutenant Col. R. D. ARDAGH, Commissioner of Pegu, to the Secretary to the Chief Commissioner British Burma, Home Department, dated Rangoon, 20th April 1869.

I have the honor to submit the Local Annual Report on the Administration of Civil Justice, during the year $\frac{1868}{1229\text{-}30}$ in the several Courts in the Pegu Division of British Burma with Statements.

The several District Reports came up as below noted, :—

District.	Date of Report.	Date of Receipt.	Remarks.
Rangoon ...	8th April 1869.	8th April 1869.	
Bassein ...	23rd Jany. „	28th Jany. „	
Myanoung ...		9th March „	
Prome ...	16th Feby „	3rd „ „	
Toungoo ...	11th „ „	28th Feby. „	
Cantonment } ...	15th „ „	16th „ „	
Small Cause }			

CIVIL JUSTICE.

I. GENERAL AND INTRODUCTORY.

The Judicial Machinery.

1. The machinery for the Administration of Civil Justice remained the same as in the previous year.

The Town and Cantonment of Rangoon were presided over by the Recorder. In the latter was maintained a Small Cause Court, under the Cantonment Magistrate who is Ex: Officio Judge of the same.

The remainder of this Division was worked according to Act I of 1863, the Chief Commissioner taking up Special Appeals from the District Courts, where the Decree of the Deputy Commissioner confirmed that of the Court of Original instance and the Commissioner of the Division taking up as Provincial Judge, cases in which the Lower Courts decision had been interfered with on first appeal.

The Judges 4th, 5th and 6th Classes.

2. The Judges of the Provincial and District Courts were:—

I. Of the Provincial Court of Appeal.	The Commissioner of Pegu, Lieut-Col. Ardagh.
II. Of the District Courts viz:—	
RANGOON.	Captain M. Lloyd.
BASSEIN.	H. W. Beddy Esqr.
MYANOUNG.	Major Hildebrand.
PROME.	Captain Watson from 1st to 13th January. Captain Street from 13th January to end of year.
TOUNGHOO.	Major McMahon.

The Courts of the 1st, 2nd and 3rd Classes.

3. Courts of the 3rd Class were presided over by the following Assistant Commissioners and Extra Assistant Commissioners 1st Class.

Assistant Commissioners.

Major W. Munro—Thayetmyo, Prome District.
Captain C. O. L. Prendergast—Yandoon, Rangoon District.
Mr. D. F, Lonsdale—Rangoon, Head Quarters.
Mr. C. Phillips—Prome Town.
Mr. St. John—Yayghin Mengyee, Myanoung District.
Lieutenant H. A. Gower—Myanoung Town.
Mr. C. Duke—Toungoo Town.
Captain M. Furlong—Poungday, Prome District.
Lieutenant Evanson—Rangoon, at Head Qnarters, Supernumerary Assistant Commissioner.
Lieutenant Poole—Bassein Town.
Lieutenant Thorpe—Toungoo Town, Supernumerary Asst. Commissioner.
Ensign Butler—Prome Town, Supernumerary Assistant Commissioner.

Extra Assistant Commissioners.

Mr. Ferreu—Nga Theing Ghyong, Bassein District.
Moung Oon—Pegu, Rangoon District.
Na Gau—Donabyoo, Myanoung District.

Moung Kyau Doon—Henzadah, Myanoung District.
„ Shwè Bya—Bassein, Supernumerary Extra Assistant Commissioner, promoted 11th December.
„ Moung Shwè Bo—Pantanaw, Bassein District (since dead.)

Besides the above there were 2nd Class Courts as below:—
Rangoon—none.
Bassein, Laymyethna } Moung Kan Baw
Myanoung Town—Moung Shwè Yeen.
Prome Town—Moung Kyaw Tsan Hla.
Prome, Mengdoon—Moung Tsouk.
Toungoo Town—Moung Htine.
and 37 Courts of the 1st Class.

4. The Court of Small Causes in Rangoon Cantonment was presided over by Captain W. G. Hughes Assistant Commissioner.

Rangoon Cantonment Small Cause Court.

5. The above were those in Office at the end of the year except where otherwise shown.

6. From Statement No. 1 will be seen the amount of work that has been got through by the above Officers during the year.

Work done.

The total is given thus:—

	Pending.				Instituted.				Disposed of.				Pending.				Amount of value of property litigated in Original Suits.
	Appeals and 2nd Appeals.	Original Suits.	Miscellaneous.	Total.	Appeals and 2nd Appeals.	Original Suits.	Miscellaneous.	Total.	Appeals and 2nd Appeals.	Original Suits.	Miscellaneous Suits.	Total.	Appeals and 2nd Appeals.	Original Suits.	Miscellaneous Suits.	Total.	
1867	54	148	22	224	742	12,422	2,419	15,583	666	12,354	2,416	15,436	130	206	25	361	8,55,306
1868	130	206	25	361	783	11,942	3,005	15,730	778	12,051	2,970	15,799	135	97	60	292	8,90,720
Increase...	...	...	...	...	41	...	586	147	112	...	554	363	5	...	35	...	35,414
Decrease...	...	...	...	...	...	480	...	...	...	303	...	...	...	109	...	69	...

Remarks.

7. The total of Appeals in all the Appellate Courts and 2nd Appeals instituted during the year are more than those of 1867, and exactly correspond in number with those of 1866.

The Original suits are less by 480 than those of the previous year, but the total number of proceedings of kinds worked off exceeded those of 1867 by 363.

The state of the pending file is rather more satisfactory than shown in the Annual Return. There were only 292 undecided on the 31st December. This number of pending cases divided among the Courts gives an average of say $4\frac{1}{3}$ cases to each Court.

II.—Provincial Court of Appeals.

The Appeals and 2nd Appeals.

Appeals and 2nd Appeals Commissioner's Court.

8. Of these there were no Regular Appeals; all were 2nd Appeals.

The number instituted and decided was.

Year.	Pending.	Instituted.	Total.	Disposed of.	Pending.	Value of Suits disposed of.	Value of Stamps in do.	Total costs in do.
1867	10	36	46	43	3	7,231	840	788
1868	3	50	53	45	8	9,594	1,094	1,409
Increase...	0	14	7	2	5	2,363	254	621

Each case on an average took 49 days to decide, being 5 days more than the previous year.

33 of the 50 appealed cases were Suits connected with immoveable property.

9. The proportion of confirmed to reversed cases was as below.

Results of Appeals.

1867			1868	
No.	Per Cent.		No.	Per Cent.
17	39.53	1. Rejected and decided in favor of Respondent.	27	60.00
20	46.51	2. Decided Exparte and in favor of Appellant.	9	20.00
6	13.96	3. Otherwise disposed of	9	20.00
43	100.00		45	100.00

The result is favorable to the Decrees of the District Courts.

10. It will be observed that there were more cases pending at the end of the year than in 1867.

Preliminary hearings, Remarks on.

This with the average length of time taken to decide an Appeal case arises from the necessity of perusing the judgment of the Court below—the Petition of Appeal and the whole or any part of the Record of the Original suit, *in the presence of the Appellant*, or of his constituted Agent.

Now petitions of Appeal from the Districts (excepting Rangoon) are often, (I may say as a general rule,) sent up through the post, and the Appellant waits until he receives a notice to attend. He then comes up under Section 15 of Act I of 1863 to be *present* at the preliminary hearing of his case.

If in the course of this preliminary hearing the Court considers that the Appellant has made out *a primâ facie* case the Respondent has to be sent for.

All this takes up much time, and from 6 weeks to two months, as an average in disposing of a Case in Appeal is the result.

If on the contrary Civil Appeals were allowed to be disposed of in the same way as Criminal Appeals, without re-

quiring the presence of the Appellant, the time would be much reduced. This is a matter that deserves consideration. I shall be well pleased to know if my view of the Law is overstrained.

Suits how effected by amended Schedule to Stamp Act.

11. In respect to the valuation of Suits and the Stamp Costs thereon and how these have been affected by the operation of the amended Schedule B, the Stamp fees appear to have given about 2 per cent more than the previous year, but then the Act was in force during some 9 months of that year.

The values of the Suits also it is observed are very low, appeals being chiefly from decrees about scraps of landed property, which are not barred by the 18th Section of Act I of 1863 or its corresponding Section in the Indian Civil Code.

The re-distribution of the rates of duty has not consequently as far as the Commissioner's Court is concerned damped the ardour of litigants in any way.

Civil Miscellaneous.

12. The number of Civil Miscellaneous cases taken up in 1868, was only 40 to 89 of the previous year. The falling off is owing to the Miscellaneous file being more restricted than before—and to subjects which formerly were made Miscellaneous proceedings of, being now taken up on the correspondence side.

There was only 1 case pending at the close of the year.

III DISTRICT COURTS.

District Courts.

13, The work in the Deputy Commissioners' Courts consists of

1. Appeals
2. Original Suits.
3. Miscellaneous Cases.

Appeals.

14. Appeals were preferred in the District Courts in 733 cases out of 11,813 Original Suits decided by the Lower Courts as below :—

Appeals in Suits.

District.	Original Suits excluding Deputy Commissioners and Cantonment Magistrate.	Appeals.	Per Centage of Appeals.
Rangoon	1,986	91	4.74
Bassein	2,754	121	4.42
Myanoung	2,766	139	5.01
Prome	3,040	244	8.08
Toungoo	1,267	138	10.90
Total..	11,813	733	6.20

The Appeals in the Rangoon, Bassein and Myanoung Districts were below the average, and in the two frontier Districts above it.

15. The time taken to decide these cases averaged as below :—

1867. Days.		1868. Days.	Improvement.	Falling off.
40	Rangoon	27	13	
86	Bassein	71	15	
209	Myanoung	173	36	
42	Prome	39	3	
11	Toungoo	13		2

The duration in Toungoo notwithstanding a trifling falling off is satisfactory. In Rangoon and Prome there has been a sensible improvement ; the time is reasonable, although not remarkably short. Bassein and Myanoung, (the latter especially,) are still very much behind hand, although there has been evidently an endeavour to get over the cases more rapidly.

16. Mr. Beddy's explanation is given in his report; it deserves acceptance.

Bassein and Myanoung explanation.

For the Deputy Commissioner Myanoung the excuse of overwork is again offered; and this to a certain extent is correct.

Major Hildebrand had been tasked beyond his powers, and very shortly after the year, fairly broke down, and had to leave for England to recruit his health.

Mr. Beddy also I may remark has evidently found the strain of work too much and shows signs of fatigue.

Not to mention Captain Street who has left after doing a very good year's work.

17. All the above are good officers each, according to his lights, and in weighing the work performed by them, it should be with a full sense of the body and head labor each has had to struggle through, the amount of straw likewise each has had to make his bricks with, in all the various Departments they have had immediate control of.

Effect of overwork.

There is not one of the Deputy Commissioners I have worked with during the year, that I do not think worthy of special commendation; even Major McMahon of Toungoo, whose District though not yielding more Revenue than a moderately sized subdivision and with a corresponding amount of business, in fact not more than sufficient to keep his hands full without distress, is yet of some size, and requiring supervision by an intelligent officer.

18. From the Appeals decided by the Deputy Commissioners, there were 50-2nd Appeals as above noted besides an arrear file of 3—8 of these were pending at the end of the year. Of the remaining, 45 belonged to the following Districts and were thus disposed of.

Disposal of 2nd Appeals.

District.	No. of District Court Appeals.	2nd Appeals decided during the year.	Confirmed.	Reversed.	Otherwise disposed of.	Per centage of Confirmed cases in total 2nd Appeal cases decided.
Rangoon ...	91	12	6	4	2	50.00
Bassein ...	121	3	3	...	...	100.00
Myanoung ...	139	5	3	...	2	60.00
Prome ...	244	22	14	5	3	63.63
Toungoo ...	138	3	1	...	2	33.33
Total ...	733	45	27	9	9	60.00

The proportion of cases confirmed to those rejected was, it will be seen as $\frac{3}{4}$ to $\frac{1}{4}$.

Proportion of 2nd Appeal Cases to Appeals in District Courts.

19. The proportion of cases decided in 2nd Appeal in the Commissioner's Court to the number of cases instituted in the District Courts was

In Rangoon	.....	13.18 per cent
Bassein	.....	2.47 „
Myanoung	.....	3.59 „
Prome	.....	9.01 „
Toungoo	.....	2.17 „

For the Division 6.14 per cent.

Original Suits.

Regular file.

20. Of Regular cases tried by the Deputy Commissioner there have been only two, one in the Court of the Deputy Commissioner Rangoon and the other in that of the Deputy Commissioner Prome.

The duration of these was 100 days in the former and 32 in the latter.

The Cantonment Small Cause Court disposed of 236 of the Cases.

Disposed of in what Courts.

21. The remaining 11,813 were disposed of in

Class III	The Assistant Commissioners' Courts		501
	„ Extra	do	do 687
II	„ Extra Asst. Commrs'.	2nd Class	2,579
I	„	do do 3rd	do 8,046

The value litigated was 8,90,720 Rupees in amount against 8,55,306, the year previous.

Costs.

The gross amount of Costs in all the cases being.

Stamps.		*Total.*
Rupees 73,079	.....In 1867.....	Rupees 1,13,62[illegible]
" 96,463	.....In 1868.....	1,42,09[illegible]
Rupees 23,384	.....Increase.....	Rupees 28,46[illegible]

Costs therefore average 15 per cent, of which upwards of $10\frac{3}{4}$ per cent is for Stamp paper.

ARBITRATION.

ARBITRATION.

23. 323 Cases are reported by the Deputy Commissioners as having been referred to Arbitration during the year 1868, as below :—

Rangoon	19 Cases.	15 of Private awards sought to be made decrees of Court.
Bassein	194 „	50 do. do.
Myanoung	17 „	None.
Prome	86 „	
Toungoo	7 „	

Remarks on by District Officers.

24. Regarding the inclination of Burmese for Arbitration, I find the Deputy Commissioner of Rangoon is of a different opinion from the other Deputy Commissioners.

Captain Lloyd says that he does not think that so long as the Burmese can get speedy orders regarding their cases, they care much about arbitration; that they would rather see their cases disposed of by our own regular Courts, and that it is only when delay takes place that the suitors consent to private arbitration.

The Deputy Commissioner of Bassein, on the contrary notes that there are hundreds and hundreds of cases, which never come before the Courts, but are settled by private arbitration.

The parties agree to abide by the finding of a couple of Elders. It is done on the spot. The losing party pays down whatever the claim is against him and there is nothing more about it.

The Prome Deputy Commissioner states, what I believe to be a fact, that there are few, either private individuals, or pleaders who understand the procedure in cases of suit to enforce award by private arbitration. His remarks on the partiality for arbitration in cases of Marriage, Divorce, or even debt are quite correct.

Major McMahon believes that there are many cases referred to Arbitration that the Courts know nothing of.

Commissioner's observations.

25. There is no doubt that besides the cases that come into Court for decision by the regularly constituted Judges, there is a large (a very large I may say) amount of adjustment of disputes especially in land and in divorce cases by the aid of privately constituted arbitrators. Probably this may be owing in some measure as noticed in the District reports to the desire to avoid the expense of Stamp paper, although the decisions are by no means given "gratis" for the Arbitrators generally contrive to get for themselves a sum of money large or small as the case may be.

Execution of Decrees.

Execution of Decrees.

26. The following table gives the number of cases in which suit was brought in the Miscellaneous file, for Execution of Decrees passed by the Courts.

District.	Execution sought for.	Executed.		Total.
		Property sold under decree.	Persons incarcerated.	
Rangoon Cantmt.	67	1	0	1
Rangoon ...	402	168	17	285
Bassein ...	423	228	10	238
Myanoung ...	433	312	40	352
Prome ...	526	264	57	321
Toungoo ...	438	110	21	131

The difference between the cases in which execution was sought for and in which such was enforced is made up of

1. Cases in which the claim has been satisfied before the warrant has been executed.
2. Cases in which the such has been evaded.
3. Pending Cases.

Miscellaneous Suits.

Miscellaneous Suits.

27. The Miscellaneous Suits were, excluding those of the Commissioner's Court.

In 1867.		In 1868.
18	Pending	24
2,330	Instituted	2,965
2,348	Total	2,989
2,324	Disposed o	2,930
24	Pending	59

In the Returns the value of Miscellaneous, and also of cases appealed is given; but the real test of the amount of value of property *under litigation* is what is to be found on the files of *Original* Suits.

Appeals and Miscellaneous Cases as a general rule shew portions of the same when the Courts are applied to more than once; though of course there are many exceptions to

this, such as in cases of succession to Estates; applications to administer and the like which come before the Courts without any Regular Suit being filed. With this remark the total value of the Miscellaneous file is Rs. 5, 31,996.

It is endeavoured as much as possible to confine the Miscellaneous file within proper limits, and to admit on it only such cases as have a right to a place on it.

SUITS TO WHICH GOVERNMENT WAS A PARTY.

28. The Deputy Commissioner Bassein notices *one*—"Government in the D. P. W. Plaintiff."

Suits in which Government was a party.

PLEADERS.

29. The Pleaders of the Courts the Chief Commissioner is aware are divided into 3 classes.

Pleaders.

Those who chiefly plead in the interior and before the Assistant and Extra Assistant Commissioners are those of the 3rd Class, Burmese.

They are subject to an examination before admission which should be a test of their qualification for the Certificate, but in many cases I fear that their study of the Law is but sufficient to scrape them through the examination, and that they do not afterwards keep up any small knowledge they may have acquired, so as to benefit their clients as well as themselves.

REGISTRATION OF DEEDS.

District.	Permanent Conveyance.	Temporary Conveyance.	General.	Wills.	Total.
Rangoon	390	407	52	3	852
Bassein	23	27	11	1	62
Myanoung	12	6	53	0	71
Prome	Details	not given.		2	171
Toungoo	20	5	13	0	38

30. The Registrar of deeds at Rangoon is Mr. D. F. Lonsdale, Assistant Commissioner.

Registration of Deeds.

Registration Offices have been maintained in Bassein, at Bassein and Pantanaw. In Myanoung at Myanoung and Mengyee. In the last named there has been no Deed registered though it was opened.

At Prome Registers are kept in Prome and Thayetmyo. In Toungoo at the Head Quarters of the Deputy Commissioner.

Examination of Books and Records.

Examination of Books.

31. Those of the Deputy Commissioners were examined by the Commissioner of the Division except Toungoo.

Such remarks as were necessary to make were made for guidance, but generally the books were properly kept up.

The Examination of the Registers of the Subordinate grades of Courts was as will be found in the Deputy Commissioners' reports.

Supplementary Reports have been called for from the Deputy Commissioners of Rangoon and Toungoo.

Concluding Remarks.

Notices a defect in the Procedure Code having been pointed out.

32. Section I of Act 1, 1863 (vide the first part of Section 6 of Act VIII of 1859) was amended by Act XXIV of 1863, Sections I and II.

It has been pointed out that the law as it thus stands is an inconvenience and clogs the working of the Courts. It will have to be amended.

Notice of Officers.

Officers commended.

33. All the Deputy Commissioners are entitled to my acknowledgments for the manner in which they have performed their Civil duties, as also is Major Munro the Assistant Commissioner at Thayetmyo, the senior of those working in the Division.

Lieut. Gower Assistant Commissioner of Myanoung had the drawing up of the Civil Report of his District as in charge of current duties. He is also noticed very favorably, as is also Moung Kyau Doon Extra Assistant Commissioner 1st Class at Henzadah.

FINIS.

34. The favorable receipt by the Chief Commissioner of this report and of those submitted by the Deputy Commissioners and Cantonment Small Cause Court Judge is desired.

Finis.

REPORT

OF THE

SESSIONS JUDGE OF TENASSERIM

For 1868.

—oo—

SECTION II.

THE following Statements are submitted with this Report:—

1.—Statement of Suits of every description instituted, disposed of, and pending.

2.—Classification of Appeals and Original Suits instituted.

3.—Detail of disposal of Suits.

4.—Supplementary Return showing duration of cases, value of Suits, Stamps and Costs.

A.—Statement of average duration of Suits

B.—Statement showing the result of Appeals and Second Appeals.

C.—Statement shewing the result of Appeals from each grade of Courts.

D.—Statement shewing the duration of Civil Cases

E.—Statement shewing the proportion of Appeals decided or otherwise disposed of.

F.—Detailed Statement of Miscellaneous Cases instituted, disposed of, and pending.

2. The following table shews the state of the pending Cases on the Regular files on the 1st January 1868, and 1st January 1869:—

Districts		Designation.	Pending on 1st January 1868. Appeals.	Original Suits.	Total.	Pending on 1st January 1869. Appeals.	Original Suits.	Total.
		Commissioner's Court	2		2			
Amherst	1	Deputy Commissioner's Court	28		28	3		3
	3	Assistant Commissioners' Court		8	8		3	3
	1	Extra Asst. Commissioner's Court 1st Class						
	11	Do. „ 3rd Class		56	56		76	76
		Total	28	64	92	3	79	82
Tavoy	1	Deputy Commissioner's Court	6		6	15		15
	1	Extra Asst. Commissioner's Court 2nd Class		4	4		26	26
	3	Do. „ 3rd Class					2	2
		Total	6	4	10	15	28	43
Mergui	1	Deputy Commissioner's Court						
	1	Extra Assistant Commissioner's 2nd Class						
	3	Do. „ 3rd Class						
		Total						
Shwé-Gyeen	1	Deputy Commissioner's Court	12		12	10		10
	2	Assistant Commissioner's Court		4	4		2	2
	1	Extra Assistant Commissioner's Court						
	5	Do. „ 3rd Class		11	11		2	2
		Total	12	15	27	10	4	14
		Abstract.						
Tenasserim Division	1	Commissioner's Court	2		2			
	4	Deputy Commissioners' Courts	46		46	28		28
	5	Assistant Commissioners' Courts		12	12		5	5
	4	Ex. Asst. Commissioners' 1st and 2nd Classes		4	4		26	26
	22	Do. „ 3rd Class		67	67		80	80
		Grand Total	48	83	131	28	111	139
		Increase					28	8
		Decrease				20		

shewing on the whole an increase of 28 Original suits and a decrease of 20 Appeals pending on the 1st January 1869.

3. In the Court of the Commissioner Tenasserim Division there were no Appeals pending at the close of the year.

Amherst District.

4. In the Courts of Amherst District there was a decrease of 25 Appeals pending in the Deputy Commissioner's Court, and an increase of 15 in Original suits in the Assistants and Extra Assistant Commissioners' Courts. The increase in Original suits does not appear excessive with regard to the number of suits instituted during the year under review.

Tavoy District.

5. In the Tavoy District there was on the whole an increase of 33 cases viz., 9 Appeals and 24 Original suits in the number pending. The increase of 9 Appeals in the Deputy Commissioner's Court is owing to a larger number of cases having been instituted in the last month of the year viz., 14 cases; whereas in December 1867 only 5 cases were instituted. The increase of 24 Original suits pending before the 2nd and 3rd Class Extra Assistant Commissioners, is attributed to some of the oldest cases being improperly kept pending for evidence.

Mergui District.

6. In the Mergui District no Original suits or Appeals were pending at the close of either year.

Shwe-Gyeen District.

7. In the Shwè-Gyeen District there was a decrease of 13 pending cases at the close of the year viz., 2 in Appeals, and 11 in Original suits.

8. The number of Original suits and Appeals instituted during the past two years is given below.

Districts	Designation.	Cases instituted in 1867.			Cases instituted in 1868.		
		Appeals.	Original Suits.	Total.	Appeals.	Original Suits.	Total.
	Commissioner's Court.	20	...	20	28	...	28
Amherst	1. Dy. Commissioner's Court.	97	2	99	114	1	115
	3. Asst. Commrs' Courts.	...	32	32	...	17	17
	1. Ex. Asst. Comr. 1st Class.	...	...	...	...	6	6
	11. Do. 3rd Class.	...	865	865	...	964	964
	Total ...	97	899	996	114	988	1102
Tavoy	1. Dy. Commissioner's Court.	114	...	114	132	...	132
	1. Ex. Asst. Comr. 2nd Class.	...	236	236	...	295	295
	3. Do. 3rd Class.	...	290	290	...	309	309
	Total ...	114	526	640	132	604	736
Mergui	1. Dy. Commissioner's Court.	80	1	81	56	...	56
	1. Ex. Asst. Comr. 2nd Class.	...	539	539	...	530	530
	3. Do. 3rd Class,	...	149	149	...	167	167
	Total	80	689	769	56	697	753
Shwè Gyeen	1. Dy. Commissioner's Court.	86	2	88	106	1	107
	2. Asst. Commrs' Courts.	...	50	50	...	18	18
	1. Ex. Asst. Comr. 2nd Class.	...	330	330	...	305	305
	5. Do. 3rd Class.	...	522	522	...	658	658
	Total ...	86	904	990	106	982	1088
	Abstract.						
Tenasserim Division.	1. Commissioner's Court. ...	20	...	20	28	...	28
	4. Dy. Commrs' Courts. ...	377	5	382	408	2	410
	5. Asst. Commrs' Courts. ...	...	82	82	...	35	35
	4. Ex. Asst do. 1st & 2nd Class	...	1105	1105	...	1136	1136
	22. Extra Do. 3rd Class	...	1826	1826	...	2098	2098
	Grand Total ...	397	3018	3415	436	3271	3707
	Increase ...	.....	.....	.....	39	253	292

shewing an increase for the Division of 39 Appeals and 253 Original suits or a total increase of 292 cases in the year of report.

9. In the Commissioner's Court there was an increase of 8 cases in the number of Second Appeals preferred from the orders of Lower Appellate Courts during the year under review. There were no Regular Appeals instituted during the year from the Court of any of the Deputy Commissioners of this Division.

Amherst District.

10. In the Amherst District there was an increase of 17 Appeals instituted in the Court of the Deputy Commissioner, and an increase of 89 Original suits in the District Courts as compared with the previous year. The large increase in Original suits is owing to there having been no Extra Assistant Commissioner's Court in Thatone Township during the greater part of 1867, the name of the Offg. Extra Assistant Commissioner not having appeared in the Gazette.

Tavoy District.

11. In the Tavoy District the return gives an increase of 96 cases instituted during the year under review, of which 18 were Appeals before the Deputy Commissioner and 78 Original suits before the Extra Assistant Commissioners 2nd and 3rd classes. The increase in Original suits is chiefly in the Court of the Extra Assistant Commissioner 2nd class of Tavoy Town.

Mergui District.

12. In the Mergui District there is an increase of 8 Original suits and a decrease of 24 cases in Appeal as compared with the previous year.

Shwe-Gyeen District.

13. In the Shwè-Gyeen District the return shews an increase of 20 Appeals, and 78 Original suits. With reference thereto the Deputy Commissioner states as follows: "The large increase "in the number of Appeals is attributable to the fact that at "the commencement of the year it was found necessary by "the new Judge to reverse a few decisions of the Lower "Courts—this doubtless gave slight encouragement to the "losers of suits in the Lower Courts."

14. The number of Appeals and Original suits decided on trial and finally disposed of in the years 1867 and 1868 is as follows:—

Districts	Designation.	1867.				1868.			
		Appeals.		Original suits.		Appeals.		Original suits.	
		Decided on trial.	Finally disposed of.	Decided on trial.	Finally disposed of.	Decided on trial.	Finally disposed of.	Decided on trial.	Finally disposed of.
	Commissioner's Court, ...	18	22	.....	.....	23	30	.....	.....
Amherst	1 Deputy Commr's. Court, ...	57	76	2	2	112	139	1	1
	3 Asst. Commissioners' Court,	.....	.....	21	26	.....	.....	18	22
	1 Ex. Asst. Commr. 1st Class,	.....	.....	.....	.....	.....	.....	2	6
	11 Ditto 3rd Class,	.....	.....	636	878	.....	.....	674	944
	Total, ...	57	76	659	906	112	139	695	973
Tavoy	1 Deputy Commr's. Court, ...	108	109	1	1	117	123	.....	.....
	1 Ex. Asst. Commr. 2nd Class,	.....	.....	203	247	.....	.....	209	273
	3 Ditto 3rd Class,	.....	.....	261	290	.....	.....	271	307
	Total, ...	108	109	465	538	117	123	480	580
Mergui	1 Deputy Commr's. Court, ...	77	80	.....	1	56	56	.....	.....
	1 Ex. Asst. Commr. 2nd Class,	.....	.....	428	539	.....	.....	431	530
	3 Ditto 3rd Class,	.....	.....	139	149	.....	.....	161	167
	Total, ...	77	80	567	689	56	56	592	697
Shwé-Gyeen	1 Deputy Commr's. Court, ...	70	79	1	2	95	108	1	1
	2 Asst. Commissioners' Courts,	.....	.....	30	46	.....	.....	16	20
	1 Ex. Asst. Commr. 2nd Class,	.....	.....	217	337	.....	.....	218	305
	5 Ditto 3rd Class,	.....	.....	307	529	.....	.....	423	667
	Total, ...	70	79	555	914	95	108	658	993
	Abstract.								
Tenasserim Division	1 Commissioner's Court, ...	18	22	.....	.....	23	30	.....	.....
	4 Deputy Commrs.' Court, ...	312	344	4	6	380	426	2	2
	5 Assistant Commrs.' do ...	.....	.....	51	72	.....	.....	34	42
	4 Ex. Asst. Commr. 1st & 2d Class	.....	.....	848	1,123	.....	.....	860	1,114
	22 Ditto 3rd Class,	.....	.....	1,343	1,846	.....	.....	1,529	2,085
	Grand Total, ...	330	366	2,246	3,047	403	456	2,425	3,243
	Increase, ...	.....	.....	.....	.....	73	90	179	19

shewing an increase of 252 cases "decided on trial" and 286 "finally disposed of." At the end of the year 1868 there were no cases pending above one year in any of the Courts in this Division.

15. In the Divisional Court of the Commissioner the Statement shews an increase of 5 Appeal Cases "decided on trial" and 8 cases "finally disposed of."

Amherst District.

16. In the Amherst District Courts it will be observed from the return that there was an increase of 55 Appeals in the number "decided on trial" and 63 "finally disposed of" and an increase of 36 Original suits "decided on trial" and 67 "finally disposed of", which is satisfactory.

Tavoy District.

17. In the District of Tavoy there has been an increase of 24 cases in the number "decided on trial, viz 9 Appeals 15 Original suits and 56 cases finally disposed of, of which 14 were Appeals and 42 Original suits.

Mergui District.

18. In the Courts of the Mergui District it will be seen that there was a decrease of 21 appeals "decided on trial" and 24 "finally disposed of" and an increase of 25 Original suits in the number "decided on trial" and 8 "finally disposed of."

Shwè-Gyeen District.

19. In the Shwè-Gyeen District the Statement shews an increase of 25 Appeals and 103 Original suits "decided on trial" and 29 Appeals and 79 Original suits "finally disposed of."

20. The state of the Miscellaneous Files was on 1st January 1868 and 1st January 1869 as follows:—

Districts	Designation.	Pending 1st Jany. 1868.	Pending 1st Jany. 1869.
Amherst.....	Commissioner's Court.....	...	...
	1 Deputy Commissioner's Court	1	3
	3 Assistant Commissioners' Courts.....	...	2
	1 Extra Assistant Commissioner's 1st Class...	...	...
	11 do. do. do. 3rd „ ...	16	39
	TOTAL.....	17	44
Tavoy.....	1 Deputy Commissioner's Court.....	...	...
	1 Extra Assistant Commissioner's 2nd Class...	...	...
	3 do. do. do. 3rd „ ...	...	...
	TOTAL.....	...	...
Mergui.....	1 Deputy Commissioner's Court.....	...	...
	1 Extra Assistant Commissioners' 2nd Class...	...	...
	3 do. do. do. 3rd „ ...	...	...
	TOTAL.....	...	...
Shwè-Gyeen	1 Deputy Commissioner's Court.....	...	...
	2 Assistant Commissioners' Courts	...	2
	1 Extra Assistant Commissioner's 2nd Class...	...	...
	5 do. do, do. 3rd „ ...	...	1
	TOTAL.....	...	3
Tenasserim Division..	ABSTRACT.		
	1 Commissioner's Court.....	...	...
	4 Deputy Commissioners' Courts.....	1	3
	5 Assistant Commissioners' Courts.....	...	4
	4 Extra Assistant Commissioners' 1st and 2nd Class.....	...	...
	22 do. do. do. 3rd Class...	16	40
	GRAND TOTAL.....	17	47
	Increase.....	...	30
	Decrease.....	...	...

21. The above shews an increase of 30 cases in the number pending at the close of 1868.

22. There were no cases pending in the Commissioner's Court; there were none also in the Courts of Tavoy and Mergui Districts.

23. In the Courts of Amherst District there was an increase of 27 Miscellaneous cases pending on the 1st January 1869.

24. In the Shwè Gyeen District 3 cases were pending on the Miscellaneous file on the last mentioned date.

28. The following Statement gives the number of Miscellaneous cases instituted, and disposed of in the years 1867 and 1868; as also the number of cases above one year's standing at the close of those years respectively.

Districts.	Designation.	1867				1868			
		Instituted.	Decided on their merits.	Finally disposed of.	Pending above one year.	Instituted.	Decided on their merits.	Finally disposed of.	Pending above one year.
	Commissioner	135	135	135	...	77	61	77	...
Amherst.	1 Deputy Commissioner	505	441	507	...	445	371	443	...
	3 Asst. Commissioners	39	24	40	...	30	14	28	...
	1 Extra do. 1st class.	...	...	...	...	...	...	...	...
	11 do. do. 3d class.	310	252	304	...	427	272	404	...
	Total	854	717	851	...	902	657	875	...
Tavoy.	1 Deputy Commissioner	656	629	656	...	42	35	42	...
	1 Ex. A. Commr. 2d class	479	459	479	...	97	92	97	...
	3 do. do. 3d class	475	461	475	...	58	56	58	...
	Total	1,610	1,549	1,610	...	197	183	197	...
Mergui.	1 Deputy Commissioner	258	234	258	...	197	141	197	...
	1 Ex. A. Commr. 2d class	409	384	409	...	475	441	475	...
	3 Do. do. 3d class	67	65	67	...	126	125	126	...
	Total	734	683	734	...	798	707	798	...
Shwè-Gyeen.	1 Deputy Commissioner	4	4	4	...	18	14	18	...
	2 Asst., Commissioners	16	15	16	...	12	8	10	...
	1 Ex. A. Commr., 2d class.	51	38	51	...	19	10	19	...
	5 Do. do. 3d class.	115	75	118	...	189	151	188	...
	Total	186	132	189	...	238	183	235	...
Tenasserim Division.	*Abstract.*								
	Commissioner	135	135	135	...	77	61	77	...
	4 Deputy Commissioners	1,423	1,308	1,425	...	702	561	700	...
	5 Asst., Commissioners	55	39	56	...	42	22	38	...
	3 Extra Asst. Commr., 1st and 2nd class	939	881	939	...	591	543	591	...
	22 Do. do. 3rd class.	967	853	964	...	800	604	776	...
	Grand Total	3,519	3,216	3,519	...	2,212	1,791	2,182	...
	Decrease	...	...	...	...	1,307	1,425	1,337	...

26. The above shews a large decrease of 1,307 Miscel laneous cases instituted, 1,425 in the number decided on trial and 1,337 in the number finally disposed of; the decrease i

chiefly in the Tavoy District which is explained by the Deputy Commissioner as follows :—

"The large decrease is caused by Petitions of all kinds "having wrongly been classed as Miscellaneous cases in former "years. The previous years annual papers were signed and "submitted by me, but as I only assumed charge of this Dis "trict in the middle of December 1867, and did not discover "the error at that time."

27. Colonel D. Brown was Commissioner of this Division from 1st January to 10th February 1868.

28. Lieutenant Colonel E. M. Ryan was Officiating Commissioner from 11th February to 31st December 1868.

29. The following Statement exhibits the number and result of Appeals disposed of by the Commissioner during the year from the orders of the Deputy Commissioners.

Districts.	Name and Official Designation.	Regular Appeals.						Second Appeals.					
		For trial in 1868.	No. confirmed.	No. reversed or modified.	Rejected.	Struck off in default.	Pending.	For trial in 1868.	No. Confirmed.	No reversed or modified.	Rejected.	Struck off in default.	Pending.
Amherst.	Lt. Col. Faithfull Dy. Comr.	1	0	1	0	0	0	0	0	0	0	0	0
	Captain Browne do.	0	0	0	0	0	0	12	9	3	0	0	0
	Total...	1	0	1	0	0	0	12	9	3	0	0	0
Tavoy.	Lt. Col. Faithfull Dy. Comr.	0	0	0	0	0	0	9	4	1	1	3	0
Mergui	Mr. T. Shepherd do.	0	0	0	0	0	0	2	1	0	0	1	0
Shwè Gyeen.	Captain Strover do.	0	0	0	0	0	0	1	0	0	0	1	0
	„ Watson do.	0	0	0	0	0	0	5	4	0	0	1	0
	Total...	0	0	0	0	0	0	6	4	0	0	2	0
	Grand Total...	1	0	1	0	0	0	29	18	4	1	6	0

30. There was only one Regular Appeal, pending from last year, tried during the year, in which the decision of the Deputy Commissioner was set aside, and the case remanded for re-trial.

31. Out of 29 Second Appeals (including one pending from 1867) preferred from the appeal decisions of the Deputy Commissioners, 18 were confirmed, 4 reversed or modified, 1 rejected, and 6 struck off in default, or otherwise disposed of. The Commissioner considers that the result of Second Appeals is creditable to all the officers concerned.

32. The following officers have presided over the Civil Courts in the several Districts of this Division during the year of report.

AMHERST DISTRICT.

33. Captain H. A. Browne, Deputy Commissioner, the whole year.

TAVOY DISTRICT.

34. Lieut. Colonel G. Faithfull, Deputy Commissioner, throughout the year.

MERGUI DISTRICT.

35. Mr. T. Shepherd, Deputy Commissioner, the whole year.

SHWE GYEEN DISTRICT.

36. Captain G. A. Strover, Deputy Commissioner from 1st to 6th January.

Mr. C. J. F. S. Forbes from 7th January to 6th February 1868.

Captain C. E. Watson, Deputy Commissioner, from 7th February to the end of the year.

37. The following table gives the number and result of Appeals disposed of, by the above officers during the year under review.

By Court of.	Appeals for trial in 1868.	Number confirmed.	No. reversed or modified.	Number rejected.	Otherwise disposed of.	Pending.
Deputy Commissioner Amherst	142	45	67	20	7	3
Do. do. Tavoy	138	63	54	6	...	15
Do. do. Mergui	56	35	21	...	...	...
Do. do. Shwè-Gyeen ...	118	56	39	5	8	10
Total.....	454	199	181	31	15	28

38. The above table shews that in Amherst District there were 142 Appeal cases for disposal by the Deputy Commissioner during the year, out of which 65 or 45.8 per cent were confirmed including rejected cases, 67 or 47.2 per cent reversed or modified, 7 otherwise disposed of, and 3 pending at the close of the year. The result is not favorable to the Officers concerned.

Amherst District.

39. Captain Browne in his report makes the following comparison of the manner in which the Appeal cases in his Court were disposed of:

"The rejected cases are those in which the Appeal was "dismissed, on perusal of the petition of appeal and the "proceedings of the Lower Court without calling the respon- "dent. The number of such cases has increased from 12 in "1867, to 20 in 1868. The number of cases under the next "head i. e. cases decided in favor of Appellant in which the "decision of the lower Court was reversed modified or "amended shews a result unfavorable to the lower Courts. "during the past year. In 1867 30 cases out of 76 or 39 "per cent were decided in favor of appellant, whilst in 1868 "67 cases out of 139 or 41 per cent were so decided. Out "of the 67 cases decided in 1868 in favor of appellant, in 15

" cases the decisions of the Lower Court were modified, and " in 14 cases amended leaving a balance of 30 cases only in " which the decisions of the lower Courts were absolutely " reversed. Among the 30 cases in which the lower Courts " decisions were absolutely reversed, there were 16 cases in " which the lower Courts were found to have disposed of the " cases on preliminary points and which were therefore re- " manded for new trial under Section 351 of the Civil Procedure " Code. In 12 cases it was found necessary to send the " cases back to the lower Court for re-trial and ultimate " decision by the Appellate Court under Section 354 Civil " Procedure Code, on account of the lower Court having " omitted to raise the necessary issues."

TAVOY DISTRICT.

40. Before the Deputy Commissioner of Tavoy District there were 138 appeals for trial of which 63 were confirmed, 54 reversed or modified, 6 rejected, and 15 pending at the close of the year, a result not so satisfactory as last year. The Deputy Commissioner of Tavoy remarks—"In the Court of the 2nd "Class Extra Assistant Commissioner, the proportion of con- "firmation is considerably smaller and of reversal larger to "the total of cases decided than in the previous year. This "Court takes cognizance of cases arising within the Town "limits, many of which are of a more intricate nature than "those tried in the rural Courts."

MERGUI DISTRICT.

41. In the Mergui District the return shows 56 Appeals for trial by the Court of the Deputy Commissioner, of these 35 or 62.5 per cent were confirmed, and 21 or 37. 5 per cent reversed or modified. The result is satisfactory.

SHWE-GYEEN DISTRICT.

42. The number of Regular Appeals before the Deputy Commissioner of Shwè-Gyeen was 118, or 27 more than the previous year, of these 118 cases 61 or 51.7 per cent were confirmed including re- jected cases, 39 or 33.0 per cent reversed or modified, 8 other- wise disposed of, and 10 pending at the end of the year. The result is favorable to the Subordinate Courts.

43. The Assistant and Extra Assistant Commissioners in charge of Sub-divisions were as follows:—

AMHERST DISTRICT,

HEAD QUARTER MAULMAIN.

44. Mr. G. E. Barr, Assistant Commissioner 2nd class throughout the year.

AMHERST SUB-DIVISION.

45. Captain G. E. Fryer, Assistant Commissioner 2nd class was appointed to this Sub-division since the 27th September 1868.

MARTABAN SUB-DIVISION.

46. Mr. C. J. F. S. Forbes, Assistant Commissioner 3rd class the whole year.

KAUKARIT SUB-DIVISION.

47. Moung Byaw, Extra Assistant Commissioner 1st class, the whole year.

TAVOY DISTRICT:

48. Moung Shwè Kyee, Extra Assistant Commissioner 2nd class, for the whole year.

MERGUI DISTRICT:

49. Moung Shwè Bo, Extra Assistant Commissioner 2nd class, for the whole year.

SHWE-GYEEN DISTRICT,

YOONZALEEN SUB-DIVISION.

50. Mr. H. Buckle, Assistant Commissioner 3rd class, throughout the year.

SITTANG SUB-DIVISION:

51. Mr. A. Hough, Assistant Commissioner 3rd class, throughout the year.

SHWE-GYEEN TOWN:

52. Moung Shwè Nyaing, Extra Assistant Commissioner 2nd class, for the whole year.

53. The following return will show the total number of suits disposed of by the above officers, the number of Appeals preferred from their decisions and the result of the Appeals decided during the year.

District and Court of	Cases disposed of in 1868.	Appeals.					
		Appeals preferred.	Number confirmed.	No. reversed or modified.	Rejected.	Otherwise disposed of.	Pending.
AMHERST DISTRICT							
Assistant Commissioner, Maulmain, ...	10	6	3	3	...	...	...
do. do. Martaban Subdivision, ...	12	...	...	...	...	...	...
do. do. Amherst "	...	...	...	...	...	...	...
Extra do. Kaukarit "	6	...	...	...	...	...	...
Total, ...	28	6	3	3	...	...	...
TAVOY DISTRICT.							
Extra Assistant Commissioner 2nd class Tavoy, ...	273	47	19	22	2	...	4
MERGUI DISTRICT.							
Extra Assistant Commissioner 2nd class Mergui,... ...	530	42	27	15	...	...	...
SHWE GYEEN DISTRICT.							
Assistant Commissioner Yoonzaleen subdivision, ... }	20	2	1	...	1	...	...
do. do. Sittang " ... ... }							
Extra do. Shwè-Gyeen, "	305	29	14	9	1	2	3
Total, ...	325	31	15	9	2	2	3
Grand Total, ...	1,156	126	64	49	4	2	7

54. There were 6 Appeals from the decisions of the Assistant Commissioner, Maulmain; of these 3 were confirmed, and 3 reversed or modified. There have been no Appeals from the decisions of Assistant Commissioner Thatone and Extra Assistant Commissioner 1st Class Kaukarit during the year.

55. The Court of the Assistant Commissioner Amherst Sub-division established on 22nd September 1868 has had no Civil cases in consequence of not having been invested with powers under Section I Act XXV of 1863.

56. The Deputy Commissioner in his report makes the following remarks on the qualifications of the subordinate officers under him:

"Messrs. Barr and Forbes are both excellent Judicial "Officers. Mr. Barr is most precise and careful and has a "great experience. Captain Fryer as already noticed has "had no Civil Judicial Work, in consequence of not having "been invested with minor powers. Extra Assistant Com- "missioner 1st Class Moung Byaw is unused to Judicial "Work and too old to learn."

57. The Extra Assistant Commissioner of Tavoy, Moung Shwè Kyee, disposed of 273 cases on trial during the year, 47 Appeals were preferred from his orders, 21 of which were confirmed including rejected cases, and 22 reversed or modified, which is not a good result. The Deputy Commissioner of Tavoy reports:—"The Extra Assistant Commissioner "Moung Shwè Kyee has much improved the procedure of "his Court, under instructions given from time to time by "myself and has given me good assistance in conducting en- "quiries in miscellaneous cases."

58. Of 530 cases disposed of by Moung Shwè Bo, Extra Assistant Commissioner of Mergui, 42 were appealed, of these 27 were confirmed and 15 reversed or modified. The result is creditable. The Deputy Commissioner in his report remarked that this officer has conducted the duties of his Court with fairness, and to the best of his abilities.

59. In the Shwe-Gyeen District there were 20 cases disposed of by the Assistant Commissioners and 305 by the Extra Assistant Commissioner, Shwè Gyeen, making a total of 325 cases, out of which 31 cases were appealed, of these 17 were confirmed including rejected appeals, 9 reversed or modified, 2 otherwise disposed of, and 3 remained pending at the close of the year.

60. The Statement given below exhibits the total number of cases disposed of by the Extra Assistant Commissioners of the 3rd Class, the number of appeals preferred from their decisions, and the result of the appeals disposed of in 1868:—

Districts.	Courts of	Cases disposed of in 1868.	Appeals.					
			Appeals preferred.	Number confirmed.	Number reversed or modified.	Rejected.	Otherwise disposed of.	Pending.
Amherst.	Ex. Asst. Commr. Zeah Township.	195	39	11	17	6	2	3
	Do Beeloogyoon Do.	166	44	12	20	9	3	.....
	Do Gyne Attaran Do.	61	9	1	7	.....	1	.....
	Do Gyne Salween Do.	72	7	4	2	1	.....	.....
	Do Hline Bwai Do.	37	3	2	1	.....	.....	.....
	Do Toungyeen Houngdraw	61	.....	.....	.....	.....	.....	.....
	Do Wagroo Amherst	90	7	1	5	1	.....	.....
	Do Yea Lamyne Do.	60	3	1	2	.....	.....	.....
	Do Martaban Do.	91	15	6	6	2	1	.....
	Do Thatone Do.	88	4	2	1	1	.....	.....
	Do Phagat Do.	23	5	2	3	.....	.....	.....
	Total ...	944	136	42	64	20	7	3
Tavoy.	Do N. E. Division	67	29	14	9	2	.....	4
	Do S. E. Do.	128	38	19	13	1	.....	8
	Do Western Do.	112	24	11	10	1	.....	9
	Total ...	307	91	44	32	4	.....	11
Mergui.	Do Palaw Township	90	9	5	4	.....	.....	.....
	Do Tenasserim Do.	45	5	3	2	.....	.....	.....
	Do Lenya Do.	32	.....	.....	.....	.....	.....	.....
	Total ...	167	14	8	6	.....	.....	.....
Shwè Gyeen.	Do Kyouk Kyee Township	135	18	3	8	.....	.....	'
	Do Shwè Gyeen Do.	77	12	8	.....	1	3	.....
	Do Sittang Do.	173	27	13	14	.....	.....	.....
	Do Beeling & Kykehto do.	252	30	17	8	2	3	.....
	Do Yoonzaleen Do.	30	.....	.....	.....	.....	.....	.....
	Total ...	667	87	41	30	3	6	
	Grand Total ...	2085	328	135	132	27	13	2

61. The number of Extra Assistant Commissioners of 3rd Class was the same as the year previous, viz 22. These Officers have disposed of 2,085 Original cases during the year, out of this number, 328 cases were appealed; 162 or 49.4 per cent were confirmed, including rejected cases; 132 or 40.3 per cent were reversed or modified; 13 otherwise disposed of and 21 pending at the close of the year under review.

62. The Deputy Commissioner of Amherst District makes the following remarks on the Extra Assistant Commissioners 3rd Class under him:

"Moung Shwé Ee, is the hardest worked of the Extra "Assistant Commissioners 3rd Class. He attempts to do "substantial justice but generally in a very blundering man- "ner; as remarked before he is nearly past work. He cannot "write the records of his cases himself. Moung Bho is a young "Officer; he is attentive and will probably improve. His "handwriting is almost illegible and his appeal cases conse- "quently gave much trouble to the Deputy Commissioner. "Moung Doot is extremely dilatory and inefficient. Moung "Tai Hlaw is a very intelligent man. Moung Ee is quite past "Judicial work if he ever was capable of doing any properly. "He has been recommended for a pension. Moung Khyaik "had intelligence, but was dilatory as well as arbitrary and "unjust, and was suspended in October 1868. His officiat- "ing successor Moung Tshoung has been working very well "and seems likely to make a good judicial officer."

"Moung Htoon Gyaw a Toungthoo who was appointed "to succeed his father Moung-Goon-Bau in 1867, appears wil- "ling to learn but his abilities are certainly of a low order. "The other Extra Assistant Commissioners have discharged "their duties to the best of their abilities. For Judicial "work as transacted in our Courts none of them shew any "special aptitude."

63. Regarding the qualifications of the Extra Assistant Commissioners (Myookes) of Tavoy District, the Deputy Commissioner reports as follows:

"The proportion of cases appealed to those decided was "greater last year than in the preceding one, with not so "favorable a result. Extra Assistant Commissioner, Moung

"Shwè Att pays more attention to procedure, and altogether "gets up his cases better than the two other Extra Assis- "tant Commissioners. Moung Shwè Hlaw is most faulty "in this respect. There is however more work in all depart- "ments in his Court than in the others which may account "for occasional irregularities."

"The Deputy Commissioner of Mergui says the result "of Appeals from the subordinate Courts is good." "The "Officers have conducted the duties of their several Courts, "with fairness and to the utmost of their abilities."

64. The Deputy Commissioner of Shwè Gyeen has made no report on the qualifications of the subordinate Officers under him.

65. The average duration of cases in all the Courts was as follows.

Courts.	Appeals.		Original Suits.		Miscellaneous cases.	
	Month.	Days.	Month.	Days.	Month.	Days.
Commissioner of Tenasserim Division.....	„	28	„	„	„	1
Deputy Commissioner of Amherst.....	„	8	2	19	„	6
do. do. of Tavoy.....	1	22	„	„	„	1
do. do. of Mergui.....	„	12	„	„	„	1
do. do. of Shwè-Gyeen.....	„	7	„	2	„	2
Assistant Commissioner of Maulmain.....	„	„	„	7	„	3
do. do. of Amherst.....	„	„	„	„	„	„
do. do. of Thatoon.....	„	„	„	29	„	4
do. do. of Yoonzaleen..... do. do. of Sittang.....	„	„	„	3	„	2
Extra Assistant Commissioner of Kaukarit ...	„	„	„	„	„	„
do. do. of Tavoy	„	„	„	14	„	1
do. do. of Mergui	„	„	„	6	„	1
do. do. of Shwè-Gyeen.	„	„	„	6	„	3
Extra Asst. Commr. 3rd Class of Amherst. ...	„	„	„	25	„	15
do. do. do. of Tavoy.....	„	„	„	12	„	1
do. do. do. of Mergui... ...	„	„	„	5	„	1
do. do. do. of Shwè-Gyeen.	„	„	„	6	„	2

66. The average duration of Appeals in the Commissioner's Court shows an improvement during the year, over the preceding one.

In 1867.....	38	days.
In 1868.....	28	„
Decrease.....	10	

The average duration in Miscellaneous cases was one day, the same as the preceding year.

67. In Amherst District the duration of Appeal cases in the Deputy Commissioner's Court during the year under review, has greatly improved; it was only 8 days against 2 months and 19 days the preceding year. There was only one Original suit on the Deputy Commissioner's file which lasted for 2 months and 19 days.

68. The Deputy Commissioner in his report makes the following remarks with regard to average duration of cases in his Court:—

"At the commencement of 1868 there were as noticed in "the report for 1867 some cases of very old standing on "the pending file. The oldest case had been pending for "19 months. All such cases were cleared off early in the "year, and the oldest case pending at the close of the year "had been on the file for 10 days only. The average dura- "tion of cases also has been reduced from 2 months and 19 "days to 8 days only. Considering the great distance of "some of the Courts from the Head Quarter Station, and the "length of time that the Deputy Commissioner is required to "be away in the interior of his District, the average duration "of cases has now been reduced probably to its lowest possi- "ble limit."

69. In the Assistant Commissioner's Court Amherst District, the general average duration of Original suits during the year was 18 days, and in Extra Assistant Commissioners' Courts 25 days.

The Deputy Commissioner reports: "There is no doubt "that the duration of cases in all the Courts in this District "would be much shorter, were it not for the numerous appli- "cations for postponements presented by the parties them- "selves or their pleaders."

Tavoy District.

70. In the Tavoy District the duration of Appeals was 1 month and 22 days in the Deputy Commissioner's Court during the year against 1 month and 6 days the year previous. In the Extra Assistant Commissioners' Courts 2nd Class the average duration of Original suits was 14 days the same as previous year, and in the Myookes or Extra Assistant Commissioners 3rd Class 12 days, 2 days less than the year previous.

71. The increase of 16 days in the Court of the Deputy Commissioner is attributed by the Deputy Commissioner to his having "been delayed in the interior of his District on Revenue Settlement duty."

72. In Miscellaneous cases the average duration was only one day in all the Courts of Tavoy District.

Mergui District.

73. Before the Deputy Commissioner of Mergui District, the average duration of Appeals was 12 days, 4 days less than the year previous. The duration in Original suits in Extra Assistant Commissioner's Courts 2nd Class was 6 days, and in Myookes' Court 5 days.

Shwe Gyeen District.

74. The average duration of Appeals in the Deputy Commissioner's Court of Shwè Gyeen was 7 days, 1 day more than the previous year, in Original suits 2 days or 8 days less than the year previous, and in Miscellaneous cases the same for both years viz 2 days.

75. In the Assistant and Extra Assistant Commissioners' Courts the duration was 5 days in Original suits and 2 days in Miscellaneous cases, and in Myookes' or Extra Assistant Commissioners' Courts 3rd Class the average was nearly the same as the previous year.

76. There were no suits reported to have been instituted in any Courts of this Division during the year in which Government was a party.

77. The total amount of value of Appeals, Original Suits, and Miscellaneous cases is as below shewn:—

Description of Cases.	1867.			1868.		
Value of Appeals	46,947	10	8	48,762	14	3
do. Original Suits	1,73,164	12	5	1,75,933	12	6
do. Miscellaneous Cases	15,821	10	11	12,919	5	0
Total	2,35,934	2	0	2,37,615	15	9
Increase				1,681	13	9
The value of Stamps amounted						
For Appeals	3,786	15	0	4,288	13	0
„ Original Suits	17,862	14	0	18,350	10	0
„ Miscellaneous Cases	1,511	7	0	1,776	2	0
Total	23,161	4	0	24,415	9	0
Increase				1,254	5	0
The costs of every description and Stamps, &c.						
For Appeals	4,849	0	3	5,766	10	4
„ Original Suits	26,890	10	6	30,376	7	0
„ Miscellaneous Cases	3,113	1	8	3,561	8	0
Total	34,852	12	5	39,704	9	4
Increase				4,851	12	11

78. The above statement shews that there has been an increase of Rupees 1,681 in the value of all suits instituted during the year 1868, as compared with 1867; the value of stamps filed on Suits and Petitions and the amount of costs of every description have also increased; the former by Rupees 1,254 and the latter by Rupees 4,851. The percentage of costs of every description to the value of all Suits averaged 16 per cent against 14 per cent in the previous year.

79. As regards the working of Stamp duty imposed under Act XXVI of 1867, the Deputy Commissioners of the several Districts have remarked in their report as follows:

Amherst.

"In Original suits it will be seen from the return that "the increase in the value of suits is "entirely in the Court of the Assis- "tant Commissioner Maulmain. In that Court the value "of suits has risen from Rupees 2,788 in 1867 to Rupees "12,770 in 1868, but the value of the stamps filed in 1868 "amounted to Rupees 729 only. This also is owing to suits "*in formâ pauperis* to the value of Rupees 8,925 having been "instituted. In the Court of the Assistant Commissioner, "Thatone, there has been a slight decrease in the value of

"suits instituted and stamps filed. In the Courts of the "Extra Assistant Commissioner, the value of suits instituted "has decreased from Rupees 55,240 in 1867, to Rupees "53,752 in 1868. There is no doubt that this falling off, is "caused by the enhanced rate of stamp duty imposed by Act "XXVI of 1867. As the rate of stamp duty on all cases in- "stituted in the Courts of Extra Assistant Commissioners is "about 10 per cent on the value of the suit, the stamp duty "on plaints to the amount of Rupees 53,752 would be Rupees "5,375. The difference between that sum and the value of the "stamps filed, or Rupees 369, represents the value of the "stamps filed on papers other than plaints. With regard to "such papers the new stamp act has diminished the amount "of stamp duty imposed; formerly they require a stamp of "eight annas, now they can be filed on a one anna stamp."

Tavoy. "The percentage of costs on the value of the suits aver- "aged 40 per cent as against 16 per "cent in 1867. This owes from the "increased number of suits and appeals and the generally "raised value of stamped papers used in suits under Act "XXVI of 1867."

Mergui. 80. The Deputy Commissioner of Mergui has not made any remarks on the above subject in his report.

Shwe-Gyeen. "It is believed that no special circumstances have oc- "curred in this District, irrespective "of the alteration of Stamp duty that "would operate in varying the number of suits instituted. "It may therefore be inferred that the increased rates of "Stamp duty have little effect in lessening litigation; at the "same time it is considered that the Stamp duty levied on "suits up to Rs. 500 in value is excessive and presses severe- "ly on the poorer classes."

81. The increase in the rates of Stamp duty under the new Act does not appear to have lessened litigation in this Division, as the number of suits as well as the value of stamps filed in Civil cases in the various Courts during the past year has increased. The new Act appears to work well and is fairly understood.

ARBITRATION OF SUITS.

82. In the Courts of the Deputy and Assistant Commissioners of Amherst District there were no cases referred to arbitration during the year under review. In the Courts of the Extra Assistant Commissioners 1st and 3rd classes, the number referred to arbitration was only 23 cases. The remarks made by Captain Browne on arbitration are as follows:—

"Arbitration, when the case has once come into Court "is very sparingly resorted to as the parties can seldom agree "about the arbitrators each party wishing to name a par- "tisan of his own. In all the cases referred to arbitration "the awards of the arbitrators were confirmed. There were "no cases in which awards made without the intervention of "a Court were filed in Court under section 327 of the Civil "Procedure Code. There is some doubt as to what consti- "tutes "sufficient cause" against the filing of such an award "within the meaning of the last sentence of the above men- "tioned section. It can hardly be intended that section 324 "shall apply to awards filed under the section."

83. In the Tavoy and Mergui Districts there were no cases referred to arbitration during the past year.

84. In the Shwè Gyeen District 56 cases were decided by arbitration (only in cases of inheritance or settlement of accounts and other intricate cases) and none of the decisions of the arbitrators have been set aside either on appeal or by the Courts of original jurisdiction.

REGISTRATION OF DEED.

AMHERST DISTRICT.

85. The Office of Registrar of Deeds was held by Mr. Barr, Assistant Commissioner, Maulmain, throughout the year. The number of Deeds registered during the past two years were as follows :—

	1867.	1868.
Registry of Wills.....	2	3
General Register.....	73	113
Temporary Conveyance.....	61	15
Permanent do	299	346
Total.....	435	477

86. During the year Registry Offices were established in the Courts of the Assistant Commissioners' at Thatone and Amherst, but no documents have been registered as yet up to the end of the year.

87. Regarding the absence of Registered documents at Thatone, the Assistant Commissioner Mr. Forbes mentions as follows :—

"A number of copies of a few plain hints of the use "and effects of registration were distributed by me, and I "explained the same personally to all officials, and well-to-do "persons I could, but the bonds executed by the people here "generally are little more than a kind of promissory note for "small sums. They seem to think paying Rupees 2 for reg- "istration, throwing money away. As they say they can "take as good care of the original as the Court can, and don't "require a duplicate."

TAVOY DISTRICT.

88. In this District the number of Deeds registered in the Deputy Commissioner's Office for the past two years was as follows.

	1867.	1868.
Permanent Conveyance.....	4	1
Temporary do.	2	1
General Register.....	„	1
Register of Wills.....	„	„
Total.....6		3

MERGUI DISTRICT.

89. There were no Deeds registered in this District.

SHWE-GYEEN DISTRICT.

90. There were only 5 registrations of Deeds in this District throughout the year.

EXECUTION OF DECREES.

91. The following table gives the number of applications for execution of Decrees in the several Districts, during the year 1868.

DISTRICTS.	No. of applications pending last year.	No. presented during the year 1868.	No. disposed of in 1868.	No. pending at the close of the year 1868.
Amherst	...	315	315	...
Tavoy	...	121	121	...
Mergui	...	158	158	...
Shwe-Gyeen	...	147	147	...
Total...	...	741	741	...

92. In the Deputy Commissioner's Court of Amherst District there were 53 applications for execution of decrees. In one case only no execution of decree was obtained. In 31 cases partial execution was obtained and in 21 cases the decrees were fully executed.

93. In the Court of the Assistant Commissioner Maulmain there were 4 applications, of these, 3 were for execution of decrees in suits for land, and one for specific performance under section 200 of the Civil Procedure Code. There were no applications for execution of decrees in the Courts of the Assistant Commissioner Thatone, and Extra Assistant Commissioner 1st Class Kaukarit.

94. In the Extra Assistant Commissioners' Courts 3rd Class there were 258 applications for execution of decrees, out of which 49 were for moveable and 209 for immoveable property. In seven cases only was execution of decree enforced by imprisonment of the judgment debtor and the longest period any judgment debtor was so imprisoned was 2 months.

95. In Tavoy District, execution on decrees was applied for in 121 cases which were disposed of as below.

In 55 cases the amount was paid at once.
„ 33 „ Property attached and sold.
„ 2 „ Persons confined in jail.
„ 11 „ Warrants with-drawn.
„ 20 „ Warrants not executed.

The number of persons confined in the Civil Gaol of Tavoy during the year was 3, and the longest period of imprisonment was 3 months.

96. The return for Mergui District shows 158 applications for execution of decrees disposed of during the past year, but no detail as to disposal has been rendered by the Deputy Commissioner.

97. In the Court of Shwè-Gyeen District 147 applications were disposed of during the year. The remarks made by Captain Watson are given below.

"The extent to which the Courts are resorted to for the "execution of decrees is no criterion of the usefulness of the "Courts in enforcing the payment of just debts."

"The loser of a suit if he has the means almost invaria- "bly pays the money into Court, or settles with the decree- "holder in some other way. The average of the number of "executions to the number of decrees passed is only 17 per "cent. Imprisonment for debt is very rare in this District; "12 persons have been confined in the Civil Gaol for an aver- "age period of 3 days each."

98. During the past year the Officiating Commissioner of this Division has inspected the Judicial and Revenue Registers and other Records of the several District Courts; they are correctly kept according to the instructions, and new forms sent from this office. The Deputy Commissioner of Amherst District in commenting in his report on his inspection of the subordinate Courts of his District states, that he has inspected all the Courts of his district except those of Kaukarit and Attaran, and makes the ingenuous? remark that he was twice on the point of starting for Kaukarit and on both occasions was stopped in consequence of orders from the Commissioner, as it might be inferred from the above re-

mark that the Commissioner's orders had prevented Captain Browne from visiting those Courts some time *during* the *year* under review; it is thought necessary to explain that the orders referred to were directions to the Deputy Commissioner to conduct the current duties of the Commissioner's Office during his absence in the District on circuit, and he was so absent on each occasion referred to only about 10 or 12 days. I have reason to be satisfied with the working of the four Deputy Commissioners of this Division during the year under review, Captain Browne and Captain Watson especially. I can also endorse the opinion of Captain Browne with respect to the manner in which Assistant Commissioners Barr and Forbes have conducted their duties.

MAGISTRATES' REPORTS.

110156

REPORT

OF THE

DISTRICT MAGISTRATE OF AKYAB.

For 1868.

From the Deputy Commissioner, Akyab, to the Commissioner of Arakan Division No. 66, dated Akyab, the 11th February 1869.

1. I have the honor of submitting herewith my report on the Administration of Civil Justice of the Akyab District for the year 1868.

SECTION II.

JUDICIAL, CIVIL JUSTICE, AKYAB DISTRICT.

2. 1st.—Report of the Administration of Civil Justice in the District of Akyab for the year 1868.

2nd.—The following was the state of the Regular files on the 1st January 1868 and 1st January 1869, showing 47 pending against 52 of 1868.

	1868.	1869.
Deputy Commissioner, Akyab - - - - -	16	10
1st Assistant Commissioner, Akyab - - -	...	...
2nd do. do. - - -	12	4
Extra Assistant Commissioner, Naaf - - -	5	2
do. do. Kolladan - -	1	1
2nd Class Extra Assistant Commissioner, Akyab -	8	17
3rd, do. do. do. Mrohoung	6	2
„ do. do. do. Rathaidoung	...	11
„ do. do. do. Mengbra	...	...
„ do. do. do. Ooreetoung East	3	...
„ do. do. do. do. West	1	...
Total - -	52	47
Increase - -	...	5
Decrease - -	...	....

3. The decrease is in all the Courts save Rathaidoung and the 2nd Class Extra Assistant Commissioner's Court, Akyab; in the latter Court it is satisfactorily explained by the

great increase of suits: (vide Deputy Commissioner's No. 113 dated 9th March 1869) about 182 per cent; in the former Court the increase of suits is small as well as the number decided, and no good cause for the increase has been given.

4. In the 2nd Assistant Commissioner's Court, Akyab, the great decrease is attributable to many fewer having been received in the Court, the cause of which will be hereafter explained.

5. The number of Suits and Appeals instituted during the past two years as below. show an increase of 342 in the year under review:—

			1867.	1868.
Deputy Commissioner, Akyab,	Original ...		0	0
	Appeal ...		135	131
1st Assistant Commissioner	do.	... ...	72	0
2nd. do.	do.	do. - -	308	144
Extra Assistant Commissioner	Naaf - -		217	175
do. do.	do.	Kolladan - -	102	39
2nd Class	do.	Akyab - -	388	1095
3rd Class	do.	Mrohoung -	250	215
do. do	do.	Rathaidoung -	132	150
do. do	do.	Mengbra - -	142	132
do. do	do.	Ooreetoung, East-	93	95
do. do	do.	do. West	64	69
	Total -		1903	2245
	Increase -		0	342
	Decrease -		0	0

6. The cause of increase and decrease it is often very difficult to discover and in some cases it can only be guessed at.

7. The increase on the whole is 17·9 per cent.

8. In the Deputy Commissioner's Court it is only in Appeals, and but small.

9. 1st Assistant Commissioner, Akyab—no Civil Suits were heard in that Court.

10. 2nd Assistant Commissioner's Court, Akyab. There is as compared with the Suits heard in the corresponding Court of 1867, (the Extra Assistant Commissioner Mr. Perreau's) a decrease of 164 or 53·2 per cent—the cause is owing to the

former officer Mr. C. D. C. Lloyd hearing only Suits that originated in the Kyailet Township and cases in the Town in which Europeans were parties, whereas the latter took up a share of the petty town Suits.

11. Extra Assistant Commissioner's Court Naaf—a decrease of 42 cases or 19·3 per cent; this probably arises from the increase of the Stamp duties, discouraging petty litigation, as I notice that in the first quarter there was a decrease as compared with that of 1867 of 14 suits, in the 2nd 22, in the 3rd of 13, but in the 4th an increase of 7—Moung Kulla has not yet given a reason for the decrease.

12. 1st Class Extra Assistant Commissioner's Court, Kolladan—the decrease is 63 or 61·7 per cent; this is attributable to there being no Court in the Township; since the middle of April 1868 the duties have been carried on at Akyab and Mrohoung, but at much inconvenience to the inhabitants.

13. Extra Assistant Commissioner 2nd Class, Akyab—there is a large increase of about 182 per cent; this is partly owing to there being no 1st Class Extra Assistant Commissioner's Court here as in 1867, where cases of small amount were tried and the 2nd Class Extra Assistant Commissioner's Court thus relieved, but mainly to many more suits having been raised in Akyab; arising from the previous year, in a mercantile sense, having been an unsuccessful one.

Vide Deputy Commissioner's letter No. 113 dated the 9th March 1869.

14. 3rd Class Extra Assistant Commissioner, Mrohoung—here is a decrease of 35 Suits or 14 per cent, but no cause has been given by the judge.

15. 3rd Class Extra Assistant Commissioner, Rathaidoung—here is an increase of 18 Suits or 13·6 per cent for this no cause is shown by the judge.

16. 3rd Class Extra Assistant Commissioner, Mengbra—here is a decrease of 10 Suits or 77 per cent; this is but small and no explanation is given.

17. 3rd Class Extra Assistant Commissioner, Ooreetoung East—an increase of 2 cases which calls for no remark.

18. 3rd Class Extra Assistant Commissioner, Ooreetoung West—also an increase of 5 cases.

19. All the judges of these Courts were called on to give explanations of the cause of the decrease and increase of Suits, but I regret that in the instances above noted they have not supplied it.

20. Number of Suits and Appeals decided on trial and finally disposed of during the years 1867 and 1868, is given in the following form which shows an increase of 161 in the former and of 366 in the latter in the year under review:—

	1867		1868	
	Decided on trial.	Finally disposed of.	Decided on trial.	Finally disposed of.
Deputy Commr. Akyab { Regular Suit	...	...	...	...
Deputy Commr. Akyab { Appeals.	123	131	125	137
1st Assistant Commr. do. -	55	75	...	...
2nd do. do. do. -	162	298	95	152
Extra Assistant Commr. Naaf. - -	85	214	68	178
do. do. do. Kolladan. -	51	101	24	39
2nd Class do. do. Akyab. -	218	384	616	1,086
3rd Class do. do. Mrohoung. -	139	245	95	219
do. do. do. Rathaidoung. -	66	139	54	139
do. do. do. Mengbra. -	84	142	66	132
do. do. do. Ooreetoung East.	35	93	32	98
do, do. do. Ooreetoung West.	36	63	40	70
Total....	1,054	1,884	1,215	2,250
Increase...	...	...	161	366
Decrease...	...	...	...	...

21. The increase is nearly the same as in the comparison between the years 1866 and 1867, there it was 182 and 384, the number of cases withdrawn has slightly decreased, it is only 366 in 1868; but it is in the 2nd Class Extra Assistant Commissioner's Court, Akyab, that the great number of Suits have not been brought to trial but dismissed or withdrawn, it amounts to 470 and would show that much of that litigation in the Town had been compromised. This is so far a favorable feature as it shows that the increase of the stamp duty in Civil Suits does not amongst Traders (and of that class are mainly the Akyab litigants,) deter them from enforcing their claims at law.

22. There were no Suits or Appeals pending above a year.

23. The state of the Miscellaneous files on the 1st January 1868 and 1st January 1869, is as follows:—

	1868.	1869.
Deputy Commissioner Akyab - - -	2	5
1st Assistant Commissioner Akyab - -	.....	.....
2nd Do. Do. - -	6	1
Extra Assistant Commissioner Naaf -	3	...
„ do. do. Kolladan - -	.....	1
2nd Class do. do. Akyab - -	4	9
3rd Class do. do. Mrohoung -	.....	.....
„ do. do. Rathaidoung -	.....	8
„ do. do. Mengbra -	.....	.....
„ do. do. Doreetoung East	.....	.....
„ do. do. Doreetoung West	.....	.....
Total.....	15	24
Increase.....	.....	9

24. There is a small increase under this head.

25. In the Deputy Commissioner's Court—2 are applications for Certificates to administer to estates and filed in December and 26th November, one an application to enforce a mortgage the time for foreclosure has not yet fallen in—another regarding an intestate estate of a European, all of its property has not yet been realized owing to difficulties of carriage,—and the last is to obtain property in charge of a guardian, instituted in December.

26. 2nd Class Extra Assistant Commissioner—Akyab, an increase of 5—of the 9 pending four are for execution of decrees—of these 3 were instituted in November, 1 in December, the remainder are 5 applications for discharge from Civil duress—the earliest instituted 30th November last.

27. 3rd Class Extra Assistant Commissioner, Rathaidoung—there is here an increase of 8, all applications for execution of decrees—of these 3 were instituted in December; but I consider that there should not have been so many as 8, which shows dilatoriness.

28. Regarding the other Courts no remarks are called for.

29. The following Statement shows the number of Miscellaneous cases instituted and disposed of in the years 1867 and 1868, as also the number of cases of above one year's standing at the close of those years respectively.

	1867				1868			
	Instituted.	Disposed of by an order on their receipts.	Finally disposed of.	Pending above one year.	Instituted.	Disposed of by an order on their receipts.	Finally disposed of.	Pending above one year.
Dy. Commr., Akyab.	40	38	43	None.	53	38	50	None.
1st Asst do. do.	60	29	60		27	8	27	
2nd do. do. do.	157	154	154		83	77	88	
Ex. do. do. Naaf	182	71	184		137	60	140	
do. do. do. Kolladan	42	26	42		18	7	17	
2nd Class Ex. Asst. Commr., Akyab.	504	199	505		1184	493	1179	
3rd do. do. Mrohoung	53	32	53		62	49	62	
do do. do. Rathaidoung.	36	32	36		46	27	38	
do. do. do. Mengbra.	20	20	20		22	17	22	
do. do. do. Ooreetoung East.	22	22	22		31	31	31	
do. do. do. Ooreetoung West.	14	14	15		16	9	16	
Total -	1130	638	1134	...	1679	816	1670	...

30. The increase of Miscellaneous cases 536 is very arge; in 1867 the increase over that of 1866 was only 35.

31. In three Courts only is there a decrease; in the 1st Assistant Commissioner's Court, explained by its having no Civil Suits in 1868—the executions of decrees that Court carried out were those transferred from other Courts.

32. In the 2nd Assistant Commissioner's Court—the decrease is explained by its having tried fewer Original suits than in 1867.

33. In the Naaf and Kolladan Courts—from the last named cause.

34. In the 2nd Class Extra Assistant Commissioner's Court, Akyab—there is above an increase of 674 Miscellaneous, arising from the great increase of litigation in it.

35. A table attached shows regarding each Court the number of decrees executed, the value of the property decreed, to what extent redress was obtained, the average number of days the execution was on the file, and the longest time any one was in any Court.

36. The proportion of costs of execution on the property decreed is only 2.4 per cent.

37. The average duration of these cases is 15·45 days, and the longest was but 2 months and 2 days, compared with the statement of 1867, the average has decreased in the Naaf and Ooreetoung West, very much in Kolladan, Rathaidoung and Ooreetoung East, the duration is also less. In Mengbra, much the same, and very low. The increase of duration is in the Akyab 1st and 2nd Assistant Commissioners' Courts, and the 2nd Class Extra Assistant Commissioner's Court. In the 1st two it is small, in the 3rd the average has increased from 11.62 to 17; this may be accounted for by the increase of work.

TABLE A.

STATEMENT showing the result of the application for Execution in Civil Suits in the undermentioned Courts for the year 1868.

1	2	3	4	5	6	7	8	9	10	00	12	13	14	
Courts.	No. of cases in which decrees were passed in 1868.	No. of applications.	Amount of Decree or value of property decreed.	Cost of Execution.	Recovered in full through Bailiff.	Recovered in part through Bailiff.	Imprisoned.	No assets, Judgment debtor discharged.	Struck off, Judgment debtor not found.	Struck off through decree holders fault or desire.	Average number of days the case was open, vide Cols. 6 & 7.	Longest time any case was open, vide Cols. 6 and 7.	Transferred to other Courts or standing over.	
													T.	P.
Dy. Comr. of Akyab ...	.....	...	.....	.....	...	...	...	...	...	.....	.....	.....	...	...
1st Asst. Comr. do ...	.....	12	6,033 11 11	48 8 ...	6	1	...	...	3	1	12	40	1	...
2nd do do ...	76	74	5,308 3 ...	118 9 ...	47	...	4	...	9	6	6·98	62	8	...
E. A. Comr. Naaf ...	73	22	1,708 15 ...	48 14 ...	19	...	...	...	...	3	23	62	...	...
Do Kolladan ...	21	18	1,253	288 4 9	13	...	...	1	1	2	14	16	...	1
2nd Class E.A. Comr. Akyab.	654	468	92,488 14 7	1,733 12 ...	128	70	53	10	95	108	17	62	...	4
3rd Do do Mrohoung.	78	28	1,436 6 3	150 1 ...	12	2	...	...	...	14	18	24	...	...
Do do Rathaidoung.	70	34	4,915 8 9	189 2 ...	14	...	...	...	1	10	8	53	1	8
Do do Menghya...	50	10	852 11 ...	38 3 ...	6	...	1	...	...	3	5	24	...	...
Do do Oorcetoung East ...	33	20	1,357 8 8	110 4 ...	9	...	1	...	...	10	11	37	...	...
Do do do West.	31	11	1,203 12 8	108	7	...	...	...	1	3	5	35	...	...
TOTAL ...	1,086	697	1,17,558 11 10	2,833 9 9	261	73	59	11	110	160	15·45	62	10	13

In the Mrohoung Court the average duration has risen from 10·80 to 18·, and shows a want of attention on that Judge's part, as was discovered when the Deputy Commissioner visited that Court lately.

38. The average duration of the cases has been given by the Lower Courts which have not carried out their calculations to fractions.

39. The longest duration is 62 days in the Courts of 2nd Assistant Commissioner, Akyab, 2nd Class Extra Assistant Commissioner's Court, Akyab, and the Extra Assistant Commissioner's Court, Naaf. In 1867 it was 87 days at the Naaf, 75 at the 2nd Class Extra Assistant Commissioner's Court Akyab, 69 at Kolladan, and 65 at Ooreetoung East.

40. The improvement is considered satisfactory.

41. The proportion of applications to decrees passed is 64.18 per cent, and varies much in the different Courts ; it is strange that out of 21 decrees passed in the Kolladan there should have been 18 applications, in other District Courts they are much fewer in proportion to the decrees passed.

Arbitration of Suits

42. To these sections of the Civil Code of Procedure resource is but little had, the cause is probably that where, in a village conclave a decision as to a claim is arrived at, it is rarely necessary to call on the law to enforce performance, for it is well known that many disputes regarding property are decided in conclaves.

43. In the 2nd Class Extra Assistant Commissioner's Court, Akyab, only two were brought into Court and carried into effect. In the Extra Assistant Commissioner's Court, Mrohoung, there were 4, of these 3 were carried out and one struck off in default of costs. In none of the other Courts were any received.

44. The increase and decrease of the amount litigated in comparison between 1868 and 1867 stand thus :—

COURTS.	1868									1867								
	Total amount of value of Suits.			Value of Stamps and Law Papers.			Costs of every description idcluding Law Papers.			Total amount of value of Suits.			Value of Stamps and Law Papers.			Costs of every description including Law Papers.		
	Rs.	As	P.	Rs.	As	P.	Rs.	As	P.	Rs.	As	P.	Rs.	As	P.	Rs.	As	P.
Dy. Commr. Akyab (Appeals	16,020	5	1	1,542	...	...	2,447	9	5	26,805	12	3	2,235	...	...	3,026	...	10
Regular Suits.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
1st Asst. Commr. Akyab.	...	...	...	...	...	...	...	...	...	9,662	12	10	587	8	...	1,081	5	4
2nd do. do.	13,252	...	6	1,132	...	...	1,381	3	...	22,433	7	11	1,744	...	...	2,648	8	3
Ex. Asst. Commr Naaf.	11,504	11	2	1,124	...	...	1,573	2	6	11,564	10	10	1,023	...	...	1,538	2	3
do. do. Kolladan.	1,631	1	6	186	8	...	698	7	6	5,951	5	4	499	...	...	834	12	...
2nd Class do. Akyab.	1,06,907	8	5	11,572	8	...	15,063	14	8	54,916	9	7	4,787	10	...	6,439	11	8
3rd Class do. Mrohoung.	12,751	11	6	1,525	...	...	2,678	...	9	18,254	2	4	1,609	...	...	2,910	4	3
do. do. Rathaidoung.	7,642	11	2	772	...	...	1,347	15	6	8,351	15	9	770	...	...	2,004	8	9
do. do. Mengbra.	7,130	3	2	787	13	...	1,372	14	...	9,121	5	7	853	8	...	1,330	7	...
do. do. Ooreetoung East.	4,759	1	4	502	8	...	893	2	9	7,166	1	2	589	...	...	1,086	1	9
do. do. do. West.	5,749	12	5	648	...	...	1,285	9	...	4,356	11	10	555	2	...	1,220	7	...
Total...	1,71,328	13	2	18,250	5	...	26,294	5	8	1,51,779	3	2	13,017	12	...	21,094	4	3

Courts.	1868									1867								
	Total amount of value of Suits.			Value of Stamps and Law Papers.			Costs of every description including Law Papers.			Total amount of value of Suits.			Value of Stamps and Law Papers.			Costs of every description including Law Papers.		
	Rs.	As	P.	Rs.	As	P.	Rs.	As	P.	Rs.	As	P.	Rs.	As	P.	Rs.	As	P.
Deputy Commr. Akyab.	850	5	10	21	...	...	55	15	8	3,482	6	6	15	...	...	37	15	...
1st Asst. Commr. do.	5,672	11	9	6	8	...	56	10	...	12,399	11	6	21	1	...	116	1	...
2nd do. do.	14,790	8	3	54	8	...	129	10	...	12,510	2	6	82	...	...	269	14	...
Extra Asst. Commr. Naaf.	4,697	15	6	34	5	...	46	8	9	6,782	9	10	72	7	...	140	6	6
do. Kolladan.	700	13	3	14	...	...	299	9	3	2,768	3	1	7	8	...	55	...	...
2nd Class do. Akyab.	1,44,818	12	1	1,067	8	...	1,632	11	...	53,896	8	1	375	14	...	1,017	15	6
3rd Class do. Mrohoung.	4,527	5	10	30	...	...	173	8	...	5,379	2	5	116	...	...	213	4	...
do. do. Rathaidoung.	3,451	13	2	23	8	...	118	14	...	3,876	15	10	19	...	...	170	4	...
do. do. Mengbra.	1,173	3	2	15	8	...	60	6	...	3,353	11	9	11	...	...	74	14	...
do. do. Ooreetoung East.	1,550	15	1	15	8	...	120	12	5	1,269	6	6	11	...	...	105	8	...
do. do. do. West.	1,146	13	8	19	4	...	119	9	...	272	8	...	22	10	...	76	6	...
Total...	1,83,380	11	7	1,302	9	...	2,814	2	1	1,05,991	6	...	753	8	...	2,277	8	...

45. It is observed that in the office copy of the return of increase and decrease of the amount litigated in 1867 there is an error and the costs of every description should be Rs. 3,026-10 and not Rs. 2,026-10.

46. In the year 1868 the value of the property appealed was considerably less—the proportion of the value of the stamps was nearly 1-10th and of the whole costs 3-20th of the sum appealed.

47. The 1st Assistant Commissioner took up no Civil Suits.

48. 2nd Assistant Commissioner's Court; there were 164 fewer cases received in 1868 and the value of the property litigated was more than Rs. 9,000 less. The proportion of the value of the Stamps to the sum litigated was 1-11th and that of the whole costs not 1-10th—there appears to be some error here as the difference is so very small.

49. Extra Assistant Commissioner, Naaf—there were 42 fewer Suits received, but the value of the property litigated was almost the same as in 1867—the proportion of the value of stamps was rather less than 1-10th and of the whole costs rather more than 3-25th of the sum litigated.

50. Extra Assistant Commissioner, Kolladan—there were 53 fewer Suits received and the value was little more than a fourth of that of 1867; the proportion of the stamp value was 1-9th and the whole almost 7-16th of the sum litigated—explanation has been called for explaining the great disproportion of the latter.

51. 2nd Class Extra Assistant Commissioner, Akyab—there was an increase of 707 Suits and the amount of property litigated nearly doubled; the proportion of the value of the Stamp is about 1/9 and of the whole costs just over 1/7, this is pretty moderate.

52. 3rd Class Extra Assistant Commissioner, Mrohoung—there were 35 Suits less received, and a decrease of Rs. 5,500 in the value of the property litigated.

The proportion of the value of the Stamps was under 1/9 and of all the costs nearly 1/5 of the sum litigated.

53. 3rd Class Extra Assistant Commissioner, Rathaidoung—there were 18 more suits received and the value of the property litigated was nearly Rs. 700 greater; the proportion of the value of the stamp duty was over 1/10, and of all the costs a little over 1/6 on the value of the property litigated.

54. 3rd Class Extra Assistant Commissioner, Mengbra—there were 10 fewer Suits than in 1867, and the value has decreased Rs. 2,000.

The proportion of the value of the Stamps was over 1/9, and of all the costs over 1/5 of the value of the property litigated.

55. Ooreetoung East—2 more Suits were received, but the value of the property litigated has decreased by nearly Rs. 2,400.

The proportion of the value of Stamps was over 1/9 and of all the costs 1/5 of the value of the property litigated.

56. Ooreetoung West—there was an increase of 5 cases and of Rs. 1,400 nearly.

The proportion of the value of Stamps was over $\frac{1}{8}$ and of the whole costs $\frac{1}{4}$ of the value of the property litigated.

57. The increase and decrease of the value of the property the subject of Miscellaneous Cases—the value of the Stamp paper filed therewith, and the whole costs are also shown; but as there is no relative proportion between the value of the subject and the costs, or Stamp duty incurred—no remarks thereon seem called for—the diversities that exist can only be explained by a detail of all the circumstances under which the Stamp paper was filed and costs incurred.

58. In 1867 the Stamp duty was .71 of the value, and the whole costs 2.14 thereof, in 1868 the former was also .71 of the value and the latter 1.53 thereof.

59. The following Statement shews the work done by the under-named Officers :-

Name of Official Designation.	Appeals.				Original			
	Regular.		Miscellaneous.		Regular.		Miscellaneous.	
	Decided on trial.	Finally disposed of.	Decided on trial.	Finally disposed of.	Decided on trial.	Finally disposed of.	Decided on trial.	Finally disposed of.
Col. Spilsbury, Deputy Commissioner in 1867.	123	131	6	6	...	...	32	37
Do. Do. in 1868.	119	130	9	9	...	...	36	38
Mr. Treacy, Offg. Deputy Commissioner in 1868.	7	7	1	1	...	...	2	2
Total...	126	137	10	10	...	...	38	40

60. In the Deputy Commissioner's Court no Civil Suits were instituted, but the number of Appeals and Civil Miscellaneous cases heard are greater in 1868 than in 1867—the pending Appeals file in 1868 is less than that in 1867, but a few more Miscellaneous cases are pending in 1868 than in 1867—the cause has been explained at para 25. It was not without much labor the Appellate files were so reduced, for, when the Deputy Commissioner returned from privilege leave on the 1st April there were 34 pending Civil Appeals ; this large number arose from the inability, through bad health of his *locum tenens* Mr. Treacy, to give much attention to Appeals during the 2 months he officiated.

61. The following officers were the Assistant and Extra Assistant Commissioners in this District.

62. The Statement below shews the number of Suits decided on trial by each officer, the number of Appeals preferred from their decisions and the results of those disposed of during the year.—

Names and Official Designations	1	2	3	4	5	6	7	8	9	10
	Appeals.									
	Suits decided on trial in lower Court.	Pending at the close of 1867.	Received during the year 1868.	For trial during the year 1868.	Number confirmed.	Number reversed.	Number modified.	Number rejected.	Otherwise settled or adjusted.	Pending at the close of 1868.
Lieutenant M. C. Poole, Assistant Commissioner, Akyab	...	1	...	1	1	...	...	...	...	...
Mr. R. A. D. Perreau E. Do. Do. Do.	...	1	...	1	...	...	...	1	...	...
Mr. C. D. C. Lloyd, Asst. Commr. from 1st Jany. to 31st Decr. 1868.	95	4	25	29	17	9	...	2	1	...
Mr. T. W. Hunt E. Asst. Commr., Naaf, from Do. to 26th April 1868.	15	1	3	4	4	...	...	...	...	...
Moung Kull Do. Do. from 27th April to 31st Decr. 1868.	53	...	3	3	2	...	...	1	...	...
Moung Kulla Do. Do. Kolladan from 1st Jany. to 14th April do.	13	1	8	9	3	6	...	...	...	...
Mr. T. W. Hunt, E. Asst. Commr. from 26th May to 5th Augt. 1868.	9	...	3	3	3	...	...	...	...	...
Pha Proo, 3rd Class Do. Do. from 17th Augt. to 31st Decr. do.	2	...	...	...	...	...	...	...	...	...
Shwè Taw, 2nd Class Do. Do. from 1st Jany. to 31st Decr. do.	616	4	35	39	23	9	...	1	2	4
Pha Proo, 3rd Class Do. Do. Mrohoung from 1st Jany. to 31st Decr. 1868.	95	...	8	8	2	3	...	1	1	1
Htoon Oo ,, Do. Do. Rathaidoung Do. Do.	54	2	11	13	10	1	...	...	...	2
Moung Kulla Do. Do. Mengbra Do. Do.	66	1	12	13	4	7	...	...	...	2
Moung Nhing Do. Do. Ooreetoung East from 1st Jany. to 18th October 1868. ...	30	1	8	9	3	3	2	...	1	...
Shwè Too Do. Do. from 19th Octr. to 31st Decr. 1868. ...	2	...	...	...	...	...	...	...	...	...
Moung Bein Do. Do. from 1st Jany. to do. do.	40	...	15	15	9	5	...	...	...	1
Total...	1,090	16	131	146	81	43	2	6	5	10

63. In judging thence of the qualifications of the officers, I consider there are 2 points to be considered first the proportion of appeals made against their decisions. 2nd.—The result of the hearing of the Appeals. In considering the first, due regard must be had to the facility of Appealing.

64. The proportion of Appeals to decisions is thus.

	1	2	3	4	5	6	7	8	9	10	11
	Mr. Lloyd.	Mr. Hunt, Naaf	Moung Kulla 1st Naaf.	Moung Kulla 1st Kolladan.	Mr. Hunt, Kolladan.	Shwè Taw.	Pha Proo.	Twon Oo.	Moung Kulla 2nd.	Moung Nhing.	Moung Baing.
Average...	26.3	20.	5.6	61.5	33.3	5.6	8.4	20.3	18.1	26.6	37.5

65. The Judges in cols. 1, 5 and 6 were in Akyab when they decided the Suits appealed against, and some allowance for the facility of appealing may be made, but the proportion against the two in columms 1 and 5 is very high and shows many were dissatisfied.

66. As regards the Judge in col. 6 the contrary is the case, and the appeals were very few.

67. In the District the Naaf is the most inaccessible Court. The proportion of appeals to decisions is here very high.

Against Moung Kulla when at the Naaf, few appeals were made, but whilst at Kolladan more than half his decisions were appealed.

68. Against the decision of Twon Oo, Moung Nhing and Moung Baing the proportion of appeals was over one fifth and with the last nearly two fifths.

THE RESULT OF THE APPEALS.

69. Mr. C. D. C. Lloyd—the appeals against his decisions were many; of 29 decided, 9 were reversed, nearly one third—in several instances greater care on the part of this officer would have changed the result.

70. Mr. Hunt—although the proportion of Appeals to his decisions was high, all the Appeals were decided in that officer's favor which is favorable.

71. Moung Kulla 1s—the proportion of Appeals to his decisions was high, and out of 11 heard 5 were reversed; this cannot be considered favorable.

72. Shwè Taw —against his decisions there were very few Appeals, and of the 35 heard 9 only were reversed, this is certainly favorable to that officer.

73. Pha Proo—there were few Appeals against his decisions, of the 7 heard 3 were reversed and 1 modified—not favorable.

74. Twon Oo—one fifth of his decisions were appealed, but of 11 heard only 1 was reversed—this is very favorable to that officer.

75. Moung Kulla 2nd—the proportion of Appeals to his decisions was rather high, and of the 11 decided 7 were reversed—very unfavorable.

76. Moung Nhing—the proportion of Appeals to decisions is unusually high; of the 9 decided 3 were reversed and 2 modified—this is not favorable to that officer.

77. Moung Baing—the proportion of Appeals against decisions was very high, but of the 14 decided 5 only were reversed—this is not unsatisfactory.

78. As regards Lt. Poole, Mr. Perreau and Shwè Too no remarks are called for.

79. The following Statement shows the cases in which the parties were personally present before the undermentioned Courts.

Official Designation.	In which Plaintiff was personally present before the Court.	In which Defendant was personally present before the Court.	In which both parties were present before the Court.
Deputy Commissioner Akyab { Appeals	84	...	53
Deputy Commissioner Akyab { Original.	...	...	...
1st Assistant Commissioner Akyab.	...	...	...
2nd Do. Do.	38	...	114
E. A. Commissioner Naaf.	64	...	114
Ditto. Kolladan.	3	3	33
2nd Class E. A. Commissioner Akyab.	193	4	889
3rd Do. Ditto. Mrohoung.	29	91	99
„ Do. Ditto. Rathaidoung.	84	...	55
„ Do. Ditto. Mengbra.	43	...	89
„ Do. Ditto. Ooreetoung East.	26	10	62
„ Do. Ditto. Ooreetoung West	19	...	51
TOTAL.	583	108	1,559

80. The average duration of Suits in the Deputy Commissioner's, Assistant and Extra Assistant Commissioners' Courts is shown in the following Table:—

Official Designation.	1867.		1868.		Improvement.		Deterioration.	
	Months.	Days.	Months.	Days.	Months.	Days.	Months.	Days.
Dy: Commr: Akyab { Reg: Suit	...	...	...	...	...	...	...	...
Dy: Commr: Akyab { Appeals	1	28	2	5·5	...	...	...	7
1st Asst. Commissioner, Akyab ...	...	13	...	...	...	...	...	...
2nd do. do. do. ...	...	4	...	3·2	...	1	...	...
Ex. do. do. Naaf ...	...	19	...	5·4	...	13	...	...
Do. do. do. Kolladan ...	...	18	...	13	...	5	...	...
2nd do. do. Akyab ...	...	9	...	8·2	...	1	...	...
3rd do. do. Mrohoung ...	...	8	...	7·7	...	...	...	...
Do. do. do. Rathaidoung	...	6	...	7·	...	...	...	1
Do. do. do. Mengbra ...	...	8	...	9.5	...	...	...	1
Do. do. do. Ooreetoung E.	...	18	...	18	...	...	...	...
Do. do. do. do. W.	...	20	...	15	...	...	...	5
Total	...	11	...	8·7	...	3	...	...

81. There is an increase in the duration of Appeals in the Deputy Commissioner's Court—this is explained by the state of the files on the 1st April as shown in Para 61, also from that date to the 15th May the Deputy Commissioner in addition to his own had the Town Magistrate's duties to attend to; this allowed of hardly any Civil Appeals during that period being taken up.

82. Rathaidoung and Mengbra Courts—the average duration of cases has increased by 1 day in the former Court 28 more Suits were heard than in 1867, but in Mengbra 10 fewer. Undoubtedly there should have been no increase in duration in the latter Court.

83. In Ooreetoung West there is an increase of 5 days in the duration of Suits and but 5 more Suits, were instituted than in 1867 this increase shows dilatoriness.

84. Both the Extra Assistant Commissioners, 3rd Class at Ooreetoung West and Mengbra will be addressed on the subject.

85. In all the others there is a decrease in the duration of Suits, very marked at the Naaf; at Kolladan Court it is also large.

86. There are 44 pleaders at the different Courts viz: 5 at Mrohoung, 4 at Rathaidoung, 2 at Mengbra, 2 at Ooreetoung, East, 4 at Ooreetoung West, 1 at Naaf and the remainder 25 here, they are all 3rd Class Pleaders except Mr. Savage, who is of the 1st Class, one 3rd Class Pleader died during 1868.

Mr. Savage had left of taking up cases, but again appeared as Pleader towards the end of the year.

87. Deeds were Registered here by Assistant Commissioner Mr. J. Hind: the books have been examined and found correctly kept, but as the Registration of deeds is not compulsory it is but a comparatively small number that are registered. During 1868 there were deeds registered in all as follows:—

Permanent Conveyances	...	83
Temporary do.	...	10
Bonds and other Documents		80
Wills		
The fees amounted to ...	Rs.	346

88. The Registers are all properly kept and those of the Deputy Commissioner's Court monthly examined.

89. The Subordinate Courts have also examined their's as directed by the Deputy Commissioner.

When the Deputy Commissioner visited the District Courts he found their records, registers &c. generally kept in a satisfactory state.

90. The Register of deeds of Naaf have been kept here, since Mr. Hunt left that Station, there were no entries in 1868.

91. The report in detail on the examination of Registers and records will be submitted as directed, after 31st March next.

92. The former Bailiff who was re-appointed by the order of the Provincial Court on the 18th January 1868, was transferred to a Kyonokeship on the 4th June 1868, and the Bailiff of the Magistrates Court was again appointed Bailiff of this Court—he has given security for Rs. 2,000 in landed property duly estimated and valued.

93. The Gazettes were properly filed.

94. The Library Books are kept in proper order and entered in the Register daily as soon as they are received.

95. The Civil Records are filed and arranged up to 1867.

CHARACTER OF THE SUB-JUDGES.

96. Mr. J. Hind has carried on his duties during the whole year but has had no Civil Suits to decide.

97. Mr. T. W. Hunt died at Akyab on the 6th August; he was a hard working officer, and a very conscientious Judge, his health had been failing for some time before.

98. Mr. C. D. C. Lloyd carried on his duties during the whole of the year save for 19 days when he went on privilege leave; he is rather hasty in his decisions but has good abilities and is zealous in the discharge of his duties.

99. Moung Kulla 1st—in the Civil report of last year the Deputy Commissioner remarked that the working days of this old Government Servant were past, the report of this year is the same.

100. Shwè Taw—"an intelligent officer and very well fitted for his office," was the opinion given in 1867; his conduct during 1868 has tended to confirm it.

101. Pha Proo is certainly indolent and does not give the attention he should to his duties.

102. Twon-Oo shows a want of energy as a supervisor of others but is a steady and intelligent officer.

103. Moung Kulla 2nd—an energetic officer, at times over zealous; as a Judicial Officer he is indifferent.

104. Moung Nhing, I cannot report favorably on this Officer; he was suspended by order of the Chief Commissioner of British Burma 18th October 1868.

105. Shwè Too has officiated since 19th October 1868, he has conducted his judicial duties satisfactorily.

106. Moung Baing has shewn himself to be a very worthy Government Servant; as a Judicial Officer he has done well.

107. I trust that this report will be found complete and satisfactory.

REPORT

OF THE

SUPERINTENDENT OF HILL TRIBES NORTHERN ARAKAN

For 1868.

—oo—

From the Superintendent of Hill Tribes, Northern Arakan, to the Commissioner, Arakan Division, Akyab, No. 5 dated Kolladan, 15th Jan. 1869.

I have the honour to submit the Report on the Civil Returns for the year 1868.

2. It will be observed that there have been a very few Civil cases during the year, the reason being that nearly all disputes of a civil nature are settled by the hill people amongst themselves.

3. The cases shown in the Returns for 1868 had to be settled in my court as they were disputes between persons belonging to different tribes.

4. The amount of costs Rs. 1/8 shown in the Return was paid for the service of summonses.

5. There does not appear to be any case in the present Returns deserving particular notice.

REPORT

OF THE

DISTRICT MAGISTRATE OF RAMREE.

For 1868.

1. Report of the Administration of Civil Justice in the District of Ramree for the year 1868.

2. The following was the state of Regular Files on the 1st January 1868, and 1st January 1869:—

	1868	1869
Deputy Commissioner of Ramree	0	0
Extra Asst. Commissioner 1st Class, 2nd grade, of Kyouk-Phyoo...	0	0
Do do 3rd Class, 2nd grade, of Aeng ...	0	0
Do do do 3rd do of Ramree ...	0	0
Do do do 4th do of Cheduba ...	1	0
Total ...	1	0
Increase ...	0	0
Decrease ...	0	1

showing in the number none pending on the last mentioned date which is satisfactory.

3 The number of Suits and Appeals instituted during the past two years as below shows a decrease of 99 cases in the year under review:—

	1867	1868
Deputy Commissioner of Ramree	55	52
Ex. Asst. Commissioner 1st Class, 2nd grade, of Kyouk Phyoo	203	119
Offg. do do do do	0	45
Ex. Asst. Commissioner 3rd Class, 2nd grade, of Ramree ...	203	153
Offg. do do do do ...	0	55
Extra Assistant Commissioner 3rd Class, 2nd grade, of Aeng ...	81	81
Do do do 4th do Cheduba...	153	91
Total ...	695	596
Increase ...	0	0
Decrease ...	0	99

The decrease in the Deputy Commissioner's Court is trifling and calls for no remark. In the Court of the Extra Assisttant Commissioner, 1st Class, 2nd Grade, of Kyouk Phyoo, there is a decrease of 39 suits, and in the Court of the Extra Assistant Commissioner, 3rd Class, 4th Grade, of Cheduba, there is a decrease of 62 suits, this decrease is considered to be caused by the depression in trade in the District and consequent smaller monetary transactions. In Cheduba the effect of the cyclone of November 1866 also were still felt in respect to the quantity of grain for export.

In the Court of the Extra Assistant Commissioner, 3rd Class, 3rd Grade, of Ramree, there was the trifling increase of 5 suits most probably owing to such trade as was carried on in the District being confined to its largest town.

In the Court of the Extra Assistant Commissioner, 3rd Class, 2nd Grade, of Aeng, there was no increase or decrease, and this would seem to indicate that the increased rate of Stamp duty levied on initiatory plaint did not effect the litigation in that Court, but then the litigation is so insignificant that it affords no good data from which the effect of those increased duties could be judged. Whereas in the Court of the Extra Assistant Commissioner, 3rd Class, 3rd Grade, of Ramree, the increase of 5 Suits would denote that the increased Stamp duties did not affect litigation there, consequently in this District it is questionable whether those duties had any thing to say to decrease in litigation and the smallness of the total litigation gives little scope to form any appreciable judgment thereon, but it will be remembered that the new Stamp Act (XXVI of 1867) was in full force throughout the whole year of 1868, and only in force from March in 1867.

The amount litigated and cost of Stamp duties in 1867 and 1868 appear as follows :—

	1867.		1868.		1868.			
					Increase.		Decrease.	
	Amount litigated.	Stamp Duty.	Amount litigated.	Stamp Duty.	Amount litigated.	Stamp Duty.	Amount litigated.	Stamp Duty.
Appeals...	3,639 14 7	379	5,063 7 11	568 8 ...	1,423 9 4	189 8 ...	... ...	... ...
Suits	30,225 4 1	3,004 13 ...	26,751 10 7	3,211 2 ...	... ...	206 5 ...	3,473 9 6	... ...
Miscellaneous	22,008 13 11	278 ...	16,579 2 3	270 2 ...	... ...	... ...	5,429 11 8	8 ... ...
Total...	55,874 ... 7	3,661 15 ...	48,394 4 9	4,049 12 ...	1,423 9 4	395 13 ...	8,903 5 2	8 ... ...
					Net...	387 13 ...	7,479 11 10	

Showing a net decrease of amount litigated Rupees 7,479-11-10 with a net increase of Rupees 387-13-0 stamp duty. —a decrease in the former with an increase in the latter clearly shows the effect of the increased stamp duties in 1868 in comparison with 1867, the increased duties in the latter year having only effect during 9 months. The decrease in amount litigated in 1868 is mainly due to the decrease in the total suits instituted, but of course there might be exception, as one case might be instituted in which the amount litigated would exceed more than any dozen small value cases, but in this District this exception did not exist to any great extent.

4. Number of suits and Appeals decided on trial and finally disposed of during the year 1867 and 1868 as given in the following Form, shows a decrease of 25 in the former, and a decrease of 100 in the latter in the year under review.

	1867.		1868.	
	Decided on Trial.	Finally disposed of.	Decided on Trial.	Finally disposed of.
Deputy Commissioner of Ramree	48	55	40	52
E. A. Commissioner 1st Class 2nd grade ...	114	206	61	119
Officiating do. do.	„	„	25	45
E. A. Commissioner 3rd Class 3rd grade ...	61	203	63	157
Officiating do. do.	„	„	23	51
E. A. Commissioner do. 2nd grade ...	53	81	49	81
Do. do. 4th grade... ...	65	152	55	92*
TOTAL.....	341	697	316	597
Increase.....	„	„	„	„
Decrease.....	„	„	25	100

*Includes cases pending at the close of 1867.

which is due to decrease of cases instituted owing to the supposed causes already stated.

5. The state of the files as regards Suits and Appeals pending above one year, stood on the 1st January 1868 and 1st January 1869, as follows:—

	1868.	1869.
Deputy Commissioner of Ramree	None.	Total.
Extra Assistant Commissioner 1st Class 2nd grade ...		
Do. do. 3rd Class 2nd do.		
Do. do. do. Class 3rd do.		
Do. do. do. Class 4th do.		
Total.....	,,	,,
Increase.....	,,	,,
Decrease.....	,,	,,

shewing that there were no Suits or Appeals pending above one year either on the 1st January 1868 or the 1st January 1869, a similar result to that of the previous year.

6. The state of the Miscellaneous files on the 1st January 1868 and 1st January 1869 was as follows :—

	1868	1869
Deputy Commissioner of Ramree	,,	1
Extra Asst. do. 1st Class 2nd Grade	,,	,,
do. do. 3rd do.	,,	,,
do. do. do. do.	,,	,,
do. do. do. do.	,,	,,
Total	,,	1
Increase	,,	1
Decrease	,,	,,

shewing that one case was pending in the Deputy Commissioner's Court being a case of intestate estate and as the heirs if any, to which resided in Syhlet the notice for them to come forward had to be sent to that district, and sufficient time allowed to admit of any heir presenting himself before the Court.

7. The following Statement shows the number of Miscellaneous cases instituted and disposed of in the year 1867 and 1868, as also the number of cases of above one year's standing, at the close of those years respectively.

		Instituted.	Disposed of by an order on their merit.	Finally disposed of.	Pending above one year.
1867	Deputy Commissioner	5	4	5	...
	Ex. Asst. do. 1st. Class 2nd Grade	171	13	171	...
	Offg. do. do. do do.	...	...	...	...
	Ex. do. do. 3rd do. 3rd do.	130	99	130	...
	Offg. do. do. do. do.	...	...	...	...
	Ex. do. do. do. 2nd do.	6	5	6	...
	do. do. do. do. 4th do.	40	23	40	...
	Total	352	268	352	...
1868	Deputy Commissioner	12	9	11	...
	Ex. Asst. do. 1st Class 2nd Grade	71	61	70	...
	Offg. do. do. do.	20	20	21	...
	Ex. do. do. 3rd 3rd do.	109	75	116	...
	Offg. do. do. do. do. do.	27	17	20	...
	Ex. do. do. 3rd 2nd do.	9	8	9	...
	do. do. do. do. do.	32	27	32	...
	Total	280	217	279	...
	Increase	...	...	...	...
	Decrease	72	51	73	...

a decrease in Original Suits instituted would naturally cause a decrease in certain Miscellaneous cases, such as execution of decrees, claims to sue as pauper and as the past year has shown a decrease in the institution of Original Suits the above decrease of 62 Miscellaneous casese instituted is attributed thereto; in 1867 there were 172 cases for execution of decree against 129 cases in 1868, a decrease of 43 out of the total decrease 72, and in 1867, 4 cases claims to sue in *formâ pauperis* were instituted against 1 case in 1868. This disposes of 46 out of the decrease 72, and the remaining decrease of 26 cases is due to circumstances which are not effected by the institution of Original Suits and call for no special remarks.

The following return shows the execution of decrees in 129 cases instituted during the year.

District.	No. of applications for execution including past year.	No. of decrees completely executed.	No. of decrees partially executed.	Pending at end of year.	Sales real property.	Sales personal property.	Imprisonment.	Paid at once.	Warrant not executed.	Warrant withdrawn.
Ramree.	129	83	46	...	9	1	5	55	45	1

It is satisfactory to notice that only in 9 cases sales of real property took place in giving full effects to the decrees of court; also that in 5 cases only was the decree enforced by imprisonment.

There was only one case of arbitration which was referred by the Aeng Court to arbitrators at the request of the parties.

Arbitration is not in great favor with the people of the District; they often agree to abide by the decision of certain elders, but as these elders do not write out a regular decision, the parties do not consider themselves bound by the verbal decision of these Loogyees, consequently the aggrieved party applies to the Court and frequently a case has been regularly discussed in presence of elders in the village before being taken to the Courts. This may be caused by a wish of the parties to get the opinion of men they respect prior to entering on the expense of a law-suit, but as a general rule the litigants of the District prefer the well constituted British Court to the verbal decision of men not very learned—rejoicing in the name of "learned elder", more on account of their village notoriety than from education or knowledge of law &c.

8. Mr. W. DeCourcy Ireland, was officiating Deputy Commissioner from 1st to 7th January 1868, he sat during it 4 days for the disposal of Civil business and none were devoted to it in the year 1868. Capt. W. C. Plant, was Deputy Commissioner from the 8th January to 31st December 1868, he sat during it 279 days for the disposal of Civil business, out of which 87 days were devoted to it in the year 1868.

Name and Official Designation.	Appeals.				Original.			
	Regular.		Miscellaneous.		Original.		Miscellaneous.	
	Decided on trial.	Finally disposed of	Decided on trial.	Finally disposed of	Decided on trial.	Finally disposed of	Decided on trial.	Finally disposed of
Captain Plant, Deputy Commissioner.	39	50	0	0	1	2	9	11

Thus out of the whole year 87 days were employed in Civil business which comprised 50 Appeals, 2 Original suits, and 11 Miscellaneous cases, or a total of 63 cases—this gives 1. 3 days to each case on the average as the duration in the Deputy Commissioner's Court.

The above period 87 days is the actual number of days in which the Court was engaged in trying Suits and Appeals.

9. The following Officers were Extra Assistant Commissioners 1st class 2nd grade, 3rd class, 2nd 3rd and 4th grades, in this District throughout the year. The statement shows the number of Suits decided on trial by each Officer, the number of Appeals preferred from their decisions, and the result of those disposed of during the year are shown below;

Name and official designation.	1	2	3	4	5	6	7	8
	Decided on Trial.	Appeals.						
		For trial during the year.	Number confirmed.	Number reversed.	Number modified.	Number rejected.	Otherwise settled or adjusted.	Pending.
Moung Shwé Dike Kay E. A. Comr. 1st class 2nd grade.	61	20	12	2	3	2	1	...
„ Na Hto Shwè offg. E. A. Comr. 1st class 2nd grade.	25	3	...	...	...	2	1	...
„ Na Hto Shwè E. A. Comr. 3rd class 3rd grade.	63	11	5	2	...	3	1	...
„ Htoon Aye offg. E. A. Comr. 3rd class 3rd grade.	23	6	3	2	1	...	...	...
„ Hla Htoon Oung E. A. Comr. 3rd class 2nd grade.	49	8	3	3	2	...	...	...
„ Phoung Tha Oo E. A. Comr. 3rd class 4th grade.	55	2	...	1	...	...	1	...
Total...	276	50	23	10	6	7	4	...

which shows a general favorable result; for out of 276 cases decided on trial only 50 Appeals were presented and of these the judgment of the Lower Court was confirmed in 23 cases, in 7 cases Appeal was rejected, and 4 cases otherwise settled, that is out of 50 Appeals, in 34 the decisions were undisturbed.

Out of 61 cases decided by Extra Assistant Commissioner (1st Class 2nd Grade) Moung Shwè Dike Kay, 20 Appeals were presented, in 15 of which his decision was undisturbed, and only 2 reversed and 3 modified, which result is favorable to that officer—because his Court being situated in the same building as the Appellate Court, appellants are not deterred appealing by having a journey to undertake before presenting their petition or informing their pleaders. Extra Assistant Commissioner 3rd Class 2nd Grade, Moung Hla Htoon Oung, decided 49 cases, out of which 8 were brought up in Appeal—out of these 8, his decision was only confirmed in 3 cases and disturbed in 5 cases—this result does not show favorably to

this officer, and shows a falling off from the result in 1867, perhaps the change from Kantoungyee to Aeng may have disturbed him.

Extra Assistant Commissioner 3rd Class 3rd Grade Moung Na-Hto Shwè, decided 88 cases, out of which only 14 Appeals arose, his decision being disturbed in 2 cases only, a highly creditable result to him. Extra Assistant Commissioner 3rd Class 4th Grade Phoung Tha Oo, decided 55 cases on trial, out of which only 2 were appealed, in one of which his order was reversed. This is a favorable result, but the distance of his Court from the Appellate Court no doubt influences the number of Appeals brought up, so the actual number of cases appealed during the year is no fair criterion of his judgment which there is just reason to consider is good. Moung Htoon Aye, officiated as Extra Assistant Commissioner during the absence of Extra Assistant Commissioner, Moung Shwè Dike Kay on leave, and he decided 23 cases, 6 were appealed, his order in 3 cases upheld, in 2 reversed and in 1 modified, a fair result for a man placed on the bench for the first time, and indicates the possession of a very fair intellect and judgment.

Extra Assistant Commissioner Moung Shwè Dike Kay is a good judicial officer, careful, zealous and pains taking. He has lately been most deservedly promoted to Extra Assistan Commissioner 1st Class 2nd Grade from 2nd Class 1st Grade.

Extra Assistant Commissioner 3rd Class 2nd Grade, Moung Hla Htoon Oung, improves on acquaintance, and is an intelligent officer, a little hasty in coming to conclusions and forgetful at times.

Extra Assistant Commissioner, Moung Na-Hto Shwè, is a very superior man, quiet in manners, decided in character, careful in his work, zealous, painstaking and intelligent, well worthy of promotion. He is only Extra Assistant Commissioner 3rd Class 3rd Grade, and is posted in the most important and largest town in the District and well he has performed his task in looking after it.

Extra Assistant Commissioner, Moung Phoung-tha-Oo, is a good judicial officer, tho' old and slow.

Moung Htoon Aye, is a clerk of the Deputy Commissioner's Court, the short time he sat on the bench shows he promises well as a judicial officer.

10. The following Statement shows the cases in which the parties were personally present before the Court:—

Official Designation.	In which Plaintiff was personally present before the Court.	In which Defendant was personally present before the Court.	In which both parties were present before the Court.
Deputy Commissioner ...	1	0	1
Ex. Asst. Commr. 1st class 2nd grade.	21	31	67
Offg. do. do.	13	4	28
Ex. do. do. 3rd class 3rd grade.	40	51	66
Offg. do. do.	14	11	26
Ex. do. do. 3rd do. 2nd do.	6	7	68
do. do. do. 4th do.	8	18	66
Total ...	103	122	322

which shows that in the greater number of cases both partie entered a personal appearance.

11. The average duration of Suits in the Deputy Commissioner, Extra Assistant Commissioner, 1st Class, 2nd

Grade, and Extra Assistant Commissioners, 3rd Class 2nd, 3rd, and 4th Grade Courts, is shown in the following table:—

Official Designation.	1867		1868		Improvement.		Deterioration.	
	Months.	Days.	Months.	Days.	Months.	Days.	Months.	Days.
Deputy Commissioner	1	...	...	.9	...	21.	...	...
Ex. Asst. Commr. 1st Class 2nd Grade Offg. do. do.	...	21.7	...	21.5	...	.2	...	...
Ex. Asst. Commr. 3rd Class 3rd Grade Offg. do. do.	...	12.3	...	6.9	...	5.4	...	...
Ex. Asst. Commr. 3rd Class 2nd Grade	...	15.5	...	17.8	...	...	...	2.3
do. do. 4th Grade	...	13.7	...	15.	...	...	...	1.3
Average total ...	...	18.6	...	14.04	...	4.5	...	...

showing an improvement of 4.5 days in the District.

The improvement in the Deputy Commissioner's Court is large, and owing chiefly to the great and unavoidable delay in one case in 1867.

The deterioration in the Aeng and Cheduba Courts is slight.

General Observations.

During the year, three out of the 15 certificated pleaders in the District in 1867 have died, the remaining men are those 12 who have passed the prescribed examination—No complaints have been made against these pleaders during the year, of any malfeasance in their professional duties; of these pleaders Shwè Oung appears to be the best acquainted with his profession and law.

An examination for 3rd Class Pleader was held on the 15th October 1868, but only one candidate presented himself for examination, but he failed to attain the necessary marks required to pass.

The existing 12 pleaders seem amply sufficient for the law requirements of the District, but of course this is no reason why candidates should not come up for examination if they choose.

13 Deeds were registered this year, all being permanent conveyance of land. The increase in the number registered this year is owing to instruction being given to the different Thoogyees to make no changes in the names of owners of land, entered in their Land Assessment register without getting orders from the Deputy Commissioner to do so.

This occasioned any purchasers of land to apply to have their names entered as owners in the said Register, and when said application was made they were advised to register the deed of sale, and as the Registry Fee was small—this advice was acted upon—Years ago the late Major T. P. Sparks took great pains to have only the real owners of the land entered in the Thoogyee Land Assessment Register which being done he ordered no change to be made without the permission of Deputy Commissioner in those names; this excellent provision had fallen into disuse and accidentally coming to know of it, Captain Plant directed the old order to be again attended to, supplementing the same with the advice to register the deed of sale.

This it is hoped will act as the thin end of the wedge and show the people the great use and protective importance of registering deeds of conveyance.

No Suit was either instituted or defended in the District during 1868 on the part of Government.

The Registers of the different Courts are all well kept up to date—those of the Lower Courts have been inspected by the Deputy Commissioner during the year and have been neatly, cleanly and carefully written, and are a credit to the different writers of those Courts—when any mistakes or misunderstanding were detected or found to exist they were pointed out or explained.

The Registers of the Courts were inspected by the Deputy Commissioner as follows :—

Cheduba E. A. Commissioner's Court, in March 1868.			
Ramree	Do.	Do.	March and October.
Aeng	Do.	Do.	November.
Kyouk Phyoo	Do.	Do.	Monthly.

The Registers of the Deputy Commissioner's Court were inspected by the Commissioner in March and December 1868.

The Library Books are in good preservation, kept in order and Catalogue written up.

The Records have been arranged—those selected for destruction have been burned after careful inspection by the Deputy Commissioner in his presence.

The Record room is a masonry building and kept as neatly and orderly as well could be.

The Commissioner was pleased to express his satisfaction on the occasion of his inspection on the 21st December 1868.

The Nazir is under good and tangible security to the amount of Rs. 2,000, the same being in landed property.

REPORT.

OF THE

DISTRICT MAGISTRATE OF SANDOWAY.

For 1868.

From J. K. MACRAE, Esquire, Deputy Commissioner, Sandoway, to the Commissioner of Arakan, Akyab No. 6, dated Sandoway, the 23rd Jan. 1869.

1st. Report on Civil Justice in the District of Sandoway for the year 1868.

2nd. Captain W. W. Pemberton held the Office of Deputy Commissioner of the District, from 1st January to 31st December, and sat 142 days for the disposal of Civil business.

Moung Tha Dway, was Extra Assistant Commissioner 2nd Class, from the 1st to 12th January, and from 14th March to the 31st December.

Moung Shwè Boo, Extra Assistant Commissioner 3rd Class, Northern Township, Officiated in the Court of the Extra Assistant Commissioner 2nd Class, from 13th January to 13th March, in addition to his own duties.

Moung Shwé Boo, held the appointment of Extra Assistant Commissioner 3rd Class, for the Northern Township; and Moung Kyahoung, that of Extra Assistant Commissioner 3rd Class, for the Southern Township, from the 1st January to 31st December.

The following was the state of Regular files on the 1st January 1868 and 1st January 1869:

	1868	1869
Captain W. W. Pemberton Dy. Comr. {Appeals.	...	...
Captain W. W. Pemberton Dy. Comr. {Original.	...	...
Moung Tha Dway Ex. Asst. Comr. 2nd Class	...	1
Moung Shwè Boo Offg. ditto	...	...
Moung Shwè Boo Ex. Asst. Comr. 2nd Class Northern Township	...	...
Moung Kyahoung do Southern Township	...	...
Total	...	1
Increase	...	1
Decrease	...	...

The number of Rugular Suits and Appeals instituted during the past 2 years as below, shows a decrease of 81 cases in the year under review.

	1867	1868
Deputy Commissioner's Court { Appeals,	46	44
Deputy Commissioner's Court { Original.	...	...
Court of Extra Assistant Commissioner 2nd Class	167	204
Court of Northern Extra Asst. Comr. 3rd Class	203	96
Court of Southern Ditto	93	84
Total	509	428
Increase	...	...
Decrease	...	81

One Original case was tried in the Deputy Commissioner's Court but as it was instituted in that of the Extra Assistant Commissioner 2nd Class, it is omitted from this Statement.

The decrease is principally in the Northern Extra Assistant Commissioner's Court, and is caused by the great stimulus given to litigation in that the year before last by the extraordinary high price of paddy, and small contractors for that article refusing to fulfil their agreements, it will be remembered that in that year the number of cases rose from 128 to 203.

The number of Regular Suits and Appeals decided on trial and finally disposed of during the years 1867 and 1868 is as follows and shows a Decrease of 83 cases decided on trial and of 88 finally disposed of during the year under review :—

	1867.		1868.	
	Decided on Trial.	Finally disposed of.	Decided on Trial.	Finally disposed of.
Deputy Commissioner's Court.	45	50	41	45
2nd Class Ex.Asst. Commissioner's Court. ...	133	168	149	202
Northern 3rd Class Ex. A. Comr's. Court. ...	168	204	80	96
Southern Do. Do.	51	93	44	84
Total...	397	515	314	* 427
Increase...	...	...	...	...
Decrease...	...	...	83	88

* This is inclusive of one case transferred to the Deputy Commissioner's Court.

The state of the files as regards Suits and Appeals pending above one year stood on the 1st January 1868 and 1st January 1869 as follows:—

	1868	1869
Deputy Commissioner's Court...	... 0	0
2nd Class Extra Assistant Commissioner's Court	... 0	0
Northern 3rd Class Assistant Commissioner's Court ...	... 0	0
Southern do do ...	... 0	0
Total	... 0	0
Increase	... 0	0
Decrease	... 0	0

BLANK.

The state of the Miscellaneous files on the 1st January 1868 and 1st January 1869 was as follows:—

	1868	1869
Deputy Commissioner's Court...	... 0	0
2nd Class Extra Assistant Commisioner's Court... ...	... 0	2
Northern 3rd Class Extra Assistant Commissioner's Court ...	... 0	0
Southern do. do ...	... 0	0
Total	... 0	2
Increase	... 0	2
Decrease	... 0	0

The following Statement shows the number of Miscellaneous cases instituted and disposed of in the years 1867 and 1868 as also the number of cases of above one years standing, at the close of these years respectively:—

		Instituted.	Disposed of by an order on their merits.	Finally disposed of.	Pending above one year.
1867	Capt. W. W. Pemberton Dy. Commissioner	16	12	16	...
	Moung Tha Dway Extra Assistant Commissioner 2nd Class	133	135	135	...
	Moung Shwè Boo Offg. do ...				
	Moung Shwê Boo Northern Extra Assistant Commissioner 3rd Class ...	66	66	66	...
	Moung Kyahoung Southern do ...	8	5	8	...
	Total ...	223	218	225	...
1868	Capt. W. W. Pemberton Dy. Commissioner	7	5	7	...
	Moung Tha Dway Extra Assistant Commissioner 2nd Class	176	68	174	...
	Moung Shwè Boo Offg. do ...				
	Moung Shwè Boo Northern Extra Assistant Commissioner 3rd Class	15	3	15	...
	Moung Kyahoung Southern do ...	12	7	12	...
	Total ...	210	83	208	...
	Increase ...	...	...	...	...
	Decrease ...	13	135	17	...

A decrease in Miscellaneous Suits and Proceedings naturally follows from the decrease in Regular Cases.

The following Statement shows the work done by the Deputy Commissioner.

	Appeals.				Original.			
	Regular.		Miscellaneous.		Regular.		Miscellaneous.	
	Decided on Trial	Finally disposed of.	Decided on Trial.	Finally disposed of.	Decided on Trial.	Finally disposed of.	Decided on Trial.	Finally disposed of.
Captain W. W. Pemberton, Deputy Commissioner	40	44	1	2	1	1	4	5

The following statement shows the number of Suits decided on Trial by each Extra Assistant Commissioner, the number of Appeals preferred from their decision and the result of those disposed of during the year are shown below:—

	1	2	3	4	5	6	7	8
	Appeals.							
	Decided on Trial.	For trial during the year.	Number confirmed.	Number reversed.	Number modified.	Number rejected.	Otherwise settled.	Pending.
Moung Tha Dway Extra Asst. Comr. 2nd Class.	126	27	19	3	3	...	2	...
„ Shwè Boo Offg. ... Do. ...	23	3	1	1	1	...	...	...
„ Shwè Boo Extra Asst. Comr. 3rd Class	80	8	2	5	1	...	...	...
„ Kyahoung . Do. Do. ...	44	6	1	2	1	1	1	...
Total...	273	44	23	11	6	1	3	...

The following Statement shows the Cases in which the parties were personally present before the Court:—

	In which Plaintiff was personally present before the Court.	In which Defendant was personally present before the Court.	In which both parties were present before the Court.
Deputy Commissioner's Court	.....	.....	1
2nd Class Ex: Asst: Comr's. Court ...	37	5	145
Northern 3rd Class do. ...	13	.....	79
Southern 3rd Class do. ...	31	9	44

The average duration of Suits in the Deputy Commissioner's and Extra Assistant Commissioner's Courts are as follows:—

	1867.		1868.		Improvement.		Deterioration.	
	Months.	Days.	Months.	Days.	Months.	Days.	Months.	Days.
Deputy Commissioner's Court { Appeal. ...	...	17	...	9	...	8	...	...
Deputy Commissioner's Court { Original. ...	1	...	...	10	...	20	...	...
2nd Class Extra Assistant Comr's. Court ...	...	8	...	10	...	...	...	2
Northern 3rd Class do. ...	...	6	...	9	...	...	...	3
Southern 3rd Class do. ...	...	10	...	9	...	...	...	1

There were no cases on the files of any of the Courts for upwards of a year.

There was no case in which Government was a party.

Five persons only have been imprisoned for debt during the year and no one remained in custody at the close of the year.

No Cases have been referred to arbitration from any of the Courts of this District.

There have been no deeds Registered during the year; the only papers registered are two powers of Attorney.

I have examined the register of deeds (one Book has hitherto been kept for all, as the entries are so few in number) and found it in good order.

Pleaders practising in the Courts are five in number, all 3rd class; no fresh Candidates presented themselves for examination.

The Registers of the Court of the Extra Assistant Commissioner 2nd Class are kept up and in good order, the writer has not personally examined the others.

The Security of the Bailiff is good.

The library books entered in the Register are filed and in good order.

The Records are filed up to 1868 and the Gazettes filed regularly.

The Subordinate Judges are named in the 2nd para of this report; the writer having taken charge of this District only on the 8th instant, is not in a position to report on their characters, but the late Deputy Commissioner's opinion of them will be found in his report of last year when they occupied the same positions as at present.

The new Stamp Act works well except that owing to the very large range in the denominations of Stamps required for plaints under its operation there is a difficulty in at all times keeping up the supply at the remote Stations, and it has been found necessary sometimes to use two Stamps to make up the exact value. A portion of the decrease in the number and value of Suits instituted this year may be due to the enhanced value of Stamps on plaints, which only operated on a portion of last year, but I do not think it has affected litigation much. The Annual Returns submitted herewith contain all further information requisite, and there is nothing in their contents to call for particular comment.

There was no case in which the parties were English and the document in that language.

The following Statement shows the result of applications for Execution in Civil Suits in the Courts of Sandoway District for the year 1868.

1	2	3			4			5	6	7	8	9	10	11
TOWNSHIP.	Number of applications.	Amount of Decree in value of Property Decreed			Costs of Execution.			Recovered in full through Bailiff.	Recovered in part through Bailiff.	Imprisoned.	No Assets, Judgment debtor discharged.	Struck off, Judgment debtor not found.	Struck off through decree holders fault or desire.	Transferred to other Courts or pending.
Northern Township.	12	374	5	1	37	...	3	9	1	1	...	...	1	...
Central. Do.	161	5,861	3	2	409	2	9	50	67	4	...	...	36	2
Southern. Do.	10	300	6	1	40	5	...	5	3	...	...	1	1	...
Total...	183	6535	14	9	486	8	...	84	71	5	...	1	40	2

SANDOWAY,
Deputy Commissioner's Office.
... 1869.

J. K. MACRAE,
Deputy Commissioner.

REPORT

OF THE

DISTRICT MAGISTRATE OF RANGOON

For 1868.

STATEMENT No. I.

1,918 Civil Cases were instituted in all the Courts during the year—14 over last year and 134 over the year 1866. In Appeals the Cases are 91 or 10 less than last year.

CASES INSTITUTED.

	APPEALS.	ORIGINAL.
1867 ..	101	1,904
1868 ..	91	1,918
Decrease	10	Increase 14

2. Number of Miscellaneous Suits is noted in the margin shewing an increase of 60 cases.

MISCELLANEOUS.

	CASES.
1867	337
1868	397
Increase	60

3. The Deputy Commissioner is glad to find a Decrease in Appeal Cases,—doubtless the reason is attributable to the subordinate Judges being better acquainted with our systems, and to the fact that litigation is more expensive than formerly. The Pleaders again have been severely checked for bringing up groundless Appeals and threatened with suspension.

PENDING CASES.

4. In Original Cases only 33 cases were pending in all the Courts against 102 last year. 7 Appeals were pending this year against none last. The Deputy Commissioner was ordered away from Rangoon on duty to the Frontier on the 12th of December, these Appeals shown as Pending for the year under review were instituted during his absence before the close of the year and he was of course unable to take them up.

CLASSIFICATION OF CASES.

STATEMENT No. II.

APPEALS.

5. Appeals regarding immoveable property amounted to 26 against 31 in 1867, the difference is so small that special notice is not called for.

6. Appeals against Decrees for moveable property number 65 against 70 the previous year.

ORIGINAL SUITS.

7. In all the Courts 1918 cases were instituted, only one case was heard by the Deputy Commissioner—this case was received by transfer from Prome by order of the Chief Commissioner, the case was for a large amount and tried in "*forma pauperis*"—the Plaintiff lost his case. The Assistant Commissioners disposed of 81 cases, the remainder were disposed of by the Natives Judges of the country.

Detail of Suits.

Statement No. III.

APPEALS.

8. The Deputy Commissioners disposed of 84 Cases. In 40 Cases the orders of the lower Courts were reversed, in 38, upheld, 2 were compromised, 4 withdrawn, leaving 7 pending as shewn in Statement No. I. nearly 50 per cent of the lower Courts orders were reversed.

ORIGINAL CASES.

9. 1,987 Cases disposed of during the year—against 1,878 during the previous, showing an increase of 109 Cases—755 Cases were in favor of the plaintiff or 38 per cent.—only 183 in favor of defendant—this shews that the Burmese do not generally go to Law without good grounds; besides the decrees actually obtained in hearings, 155 ex-parte decrees were given in favor of plaintiff. In 141 Cases compromises were filed, 753 were either dismissed or withdrawn, 689 of them before the Extra Assistant Commissioner's Courts.

APPEALS.

From each of the Subordinate Courts.

10. From the decisions of the Courts Subordinate to the Deputy Commissioner 91 Appeals were preferred—Below is a tabular Statement showing the number of Appeals from each Court.

Courts.	No. of Appeals.	Decree of Lower Courts confirmed.	Decree of Lower Courts reversed or modified.	Otherwise disposed of.	Pending.
Assistant Commissioner, Rangoon.	7	2	3	...	2
Ditto. Yandoon Sub-Division.	5	2	2	...	1
Ditto. Rangoon (Lt. Evanson.)	2	2	...	...	...
Extra Assistant Commissioner 1st Class of Pegu Sub Division.	13	1	12	...	...
Myo Oke of Pegu E. A. Commissioner 3rd Class.	2	...	1	...	1
Do. of Zynsganyne.	9	6	1	1	1
Do. of Angyee.	16	9	6	1	...
Do. of Twantay.	10	6	3	1	...
Do. of Hmaubee.	4	2	1	1	...
Do. of Thanlyne.	14	5	7	...	2
Do. of Hlyne.	4	2	1	1	...
Do. of Pyapong.	5	1	3	1	...
TOTAL.	91	38	40	6	7

Mr. Lonsdale Assistant Commissioner Rangoon disposed of 8 Cases; 7 Appeals were preferred against his decisions—in 2 they were upheld and in 3 modified or reversed leaving 2 pending at the close of the year.

Captain Prendergast tried 56 cases, 5 were Appealed, his decisions were upheld in 2 and reversed or modified in 2 leaving one pending.

Lieutenant Evanson tried 11 cases and 2 Appeals were filed, his decrees were upheld in both.

The Extra Assistant Commissioner 1st class tried 187 cases; in 13 cases his decisions were appealed against or over

6 per cent in 12 cases his decrees were reversed or modified—and in only one case was his decision confirmed.

Before the Extra Assistant Commissioners 3rd class, 1,724 cases were tried, 64 were appealed or a little over 3 per cent. The greatest number of Appeals were from the Extra Assistant Commissioner of Angyee Township, and the least from the Extra Assistant Commissioner of Pegu.

STATEMENT No. IV.

Duration of Suits.

11. During 1868, the average duration of Civil Suits was 17 days, the tabular Statement below for the current year shews an average of only 13 days which the Deputy Commissioner considers satisfactory.

Names of Townships and (Myo Okes) Extra Assistant Commissioners 3rd Class.	Regular Suits.		Miscellaneous Cases.	
	Month	Days.	Month	Days.
Pegu...Moung Shwè Thee Galay...	...	14	...	9
Zynsganyne—Moung Pan Byen...	...	20	...	10
Pyapong—Moung Tsau Tha.	...	14	...	10
Angyee—Moung Shwè Ah.	...	9	...	9
Twantay—Moung Wyke	...	13	...	11
Hmaubee—Moung Doôn...	...	9	...	9
Thanlyne—Moung Tha Doon Oung.	...	11	...	12
Hlyne—Moung Galay.	...	14	...	10
Total average of 8 Extra Assistant Commissioners...	...	13	...	10

In the Extra Assistant Commissioners' Courts, the average is 13 against last year.

DURATION OF APPEALS.

12. The duration of Appeals before the Deputy Commissioner was 27 days for the current year against 40 days last year—there is no difficulty in disposing of Appeals rapidly but during certains seasons of the year communication with the subordinate

judges is very difficult and cases are frequently postponed, because the proceedings have not arrived on the day fixed for hearing of Appeals. The Deputy Commissioner has fixed two days for this duty, Wednesday and Saturday.

13. The total value of Appeal Suits amounted to Rs. 21,474 in 1867 but Rs. 17,719 during the current year—shewing a Decrease of Rs. 3,755; no particular cause is assignable.

VALUE OF SUITS.

1867	.. ..	Rs. 21,474
1868	.. ..	„ 17,719
	Decrease	Rs. 3,755

In Original Suits value amounted in 1867 to Rs. 1,88,150 against Rs. 1,72,910 this year, shewing also a Decrease of Rs. 15,240.

1867	.. ..	Rs. 1,88,150
1868	.. ..	„ 1,72,910
	Decrease	Rs. 15,240

The total value of Suits in Miscellaneous Suits amounted to Rs. 67,232 in 1867 against Rs. 63,366 during the current year shewing a Decrease of Rs. 3,866.

1867	.. ..	Rs. 67,232
1868	.. ..	„ 63,366
	Decrease	Rs. 3,866

14. The value of Stamps on Law Papers including Appeals, Original and Miscellaneous Cases was 19,857 in 1867—it amounted to Rs. 20,797 for the current year; there was only a difference of 13 cases which will probably account for this increase—the Percentage from Stamps is 17 per cent on the amount sued for in Regular Suits and Appeals with Miscellaneous Cases.

VALUE OF STAMPS ON LAW PAPERS.

1867	.. ..	Rs. 19,857
1868	.. ..	„ 20,797
	Increase	Rs. 940

15. The total costs incurred by parties amounted to 27,663 against 26,466 last year.

AMOUNT OF COSTS.

1867	.. ..	Rs. 26,466
1868	.. ..	„ 27,663
	Increase	Rs. 1,197

16. The Deputy Commissioner examined the Registers —his remarks on the manner in which they are kept will be found on a separate paper. Mr. Evanson had great trouble in bringing these Books into order, he has succeeded in doing so to the credit of himself and the benefit of the public.

REGISTERS OF TOWN LOTS.

REGISTERS OF DEEDS.

17. A separate report is drawn up under this head.

ARBITRATION.

18. 19 Cases were referred to Arbitrators through the Court—against 18 last year, the Cases referred are those generally which involve a careful enquiry into accounts. 15 were referred privately and the award sought to be established by the Court. 13 were similarly disposed of last year.

19. The Deputy Commissioner does not think the Burmese, so long as they can get speedy orders regarding their Cases care much about Arbitration, they would rather see their Cases disposed of by our Regular Courts; it is only when delay in disposing of Cases takes place that the suitors consent to private Arbitration. It was at one time thought that by resorting to private Arbitration that the costs of Stamps would be avoided; for instance, in many Cases the Deputy Commissioner found that the disputants had frequently drawn up Agreements on plain paper and included a clause to the effect that should either party ever proceed to law he should pay the stamp paper which was payable on the document, the result was that in cases when one of the parties did appear before the courts his claims were frequently thrown out, because he had intentionally, avoided the stamp dues as was evident from the wording of the Agreement brought forward to support a claim.

EXECUTION OF DECREES.

20. 389* Applications for Execution of Decrees were filed against 337 the previous year naturally most of the applications were before the Myo Okes or Extra Assistant Commissioners. 17 persons were imprisoned in the Civil Gaol as Judgment debtors —this is a small number, they seldom remain more than one month in Gaol, as shewn in a former portion of this Report—it is shewn that 1987 Decrees were issued during the year; in 16 per cent therefore further steps were necessary before the Original decree of the Court was carried out.

* Exclusive of 13 pending last year.

Report on Books and Registers.

The Register Books of the Registrar of Town lots have been very carefully and clearly kept during Mr. Evanson's incumbency of Office; the rules are strictly carried out.

Additional Section.

Registration of Deeds

21. In comparing the Documents Registered last against the number of those Registered in the present year, the Deputy Commissioner finds as follows :—

1867	Permanent Conveyance	598
1868	Do.	390
	Decrease	208
1867	Temporary Conveyance	544
1868	Do.	407
	Decrease	137
1867	General Conveyance	51
1868	Do.	52
	Increase	1
1867	Wills	0
1868	Do.	3
	Increase	3

22. The amount of Fees received comes to Rs. 2,292 out of this Sum one fourth was paid to the Clerk. The Assistant Commissioner has to supply the Books and Stationary. The cost of these in 1868 comes to Rs. 15.

23. The Register Books are all up to date as well as the Indices. Mr. Lonsdale has exerted himself in a creditable manner to bring up these Books up to date.

24. There is a large Decrease in Registration by Permanent and Temporary Conveyances. The Deputy Commissioner attributes the cause to the very high interest demanded on Money—and to the general scarcity of money in the market which has existed throughout the year.

25. The Deputy Commissioner has examined the records of the Assistant Commissioners and finds that they are kept well up to date—in Mr. Lonsdale's Court the Signature of the Officer trying the Case in the last column was wanting this has been noticed and will be rectified.

Statement of Registration of Deeds, Rangoon District Pegu Division, for 1868.

Station where there is a Registering Officer.	No. of Deeds registered.					Name of Registering Officer.
	Permanent Conveyance.	Temporary Conveyance.	General Conveyance.	Wills.	Total.	
Rangoon	390	407	52	3	852	Mr. D. F. Lonsdale.

REPORT

OF THE

CANTONMENT MAGISTRATE OF RANGOON

For 1868.

—oo—

From W. E. HUGHES Esq., Cantonment Magistrate, to the Commissioner of Pegu, Rangoon, No. 14, dated Rangoon the 15th February 1869.

In forwarding the Civil Returns for the year 1868, I have the honor to report the different changes in the Presiding Officers during the year.

1. The Office of the Judge of the Cantonment Small Cause Court was held by Major Duff from 1st January to 2nd July and by Captain Lloyd from 3rd to 15th July by Major Duff from 16th July to 1st December and by myself from 2nd to 31st December 1868.

2. The number of Suits instituted during the year was 236 a decrease of 39 as compared with the former year and the value of the property litigated was Rs. 10,734-8-5 against 12,605 the previous year and thus showing a decrease of Rupees 1871.

3. The value of Stamps filed was Rupees 966 being a decrease of Rs. 139 as compared with the previous year while the costs were 356-6.

4. Of the 236 Cases 59 was given in favor of Plaintiffs, 27 in favor of Defendants, exparte decree 105, compromised 10, withdrawn or dismissed 35 and one pending at close of the year.

Execution was taken out in 67 cases.

The average duration of Cases was one day and detention of Witnesses one day.

The Civil Returns call for no particular remarks.

REPORT

OF THE

DISTRICT MAGISTRATE OF BASSEIN.

1. The following Table shows the number of suits Appeals Original and Miscellaneous instituted, disposed of and pending at the close of the year as compared with 1867.

	No. of cases pending at close of 1866 and 1867.				No. of cases instituted during 1867 and 1868.				No. of cases disposed of during 1867 and 1868.				No. of Cases pending at close of 1867 and 1868.			
	Appeals.	Original (Reg. Suits.)	Miscellaneous.	Total.	Appeals.	Original.	Miscellaneous.	Total.	Appeals.	Original.	Miscellaneous.	Total.	Appeals.	Original.	Miscellaneous.	Total.
1867	4	16	1	21	115	2,774	545	3,434	112	2,759	538	3,409	7	31	8	46
1868	7	31	8	46	121	2,736	524	3,381	117	2,754	523	3,394	11	13	9	33
Increase ...	3	15	7	25	6	0	0	0	5	0	0	0	4	0	1	0
Decrease ...	0	0	0	0	0	38	21	53	0	5	15	15	0	18	0	13

2. The above comparative statement shows a decrease of 53 suits of all sorts instituted, a decrease of 15 suits disposed of, and also a decrease of 13 pending suits. The greatest falling off in suits has been in the Assistant Commissioner's Court at Bassein (Head Quarters.) In 1867—469 cases were instituted: In 1868 only 289, showing a decrease of 180 cases viz: 140 original and 40 miscellaneous.

In the Extra Assistant or Tsitkay's Court which is likewise at Head Quarters. In 1867 there were 546 cases in 1868—644 or an increase of 98 cases viz: 61 civil and 37 miscellaneous. If the two courts were lumped together the re-

sult would be 1867—1015 cases and 1868—933, or 82 cases less this year. viz: 79 civil and 3 Miscellaneous. The large decrease of suits in the Assistant Commissioner's Court I attribute to an order I passed, that all suits in which *Kullas* were concerned should be instituted in the Assistant Commissioner's Court, and cases in which Burmans were concerned in the Tsitkay's Court I can give no reason for the decrease of 82 cases in the year at Head Quarters, I suppose it may be put down to there being less matter for litigation than in the years previous.

3rd—The following Table will show the number of Civil Original Cases decided in each of the Subordinate Courts, the number of appeals from each court and the result.

Courts.	Cases decided.	Total appeals preferred during 1868 and pending from previous year.	Confirmed.	Reversed.	Modified.	Rejected.	Otherwise settled.	Pending at close of 1868.
Assistant Commissioner.	230	19	6	4	...	5	4	...
Extra Assistant Commissioner Ngathaing khyoung...	215	7	2	...	...	...	3	2
do. Bassein... ...	511	38	19	7	1	3	4	4
do. Pantanau. ...	244	9	3	5	...	...	1	...
Laymyethna Myo Oke.	303	13	4	6	...	3	...	...
Yaigyee do.	428	22	5	9	...	2	4	2
Tsabayon do.	163	7	2	5	...	...	...	...
Theegwen do.	199	3	...	1	...	...	1	1
Shwè Loung do.	220	.....	...	...	...	...	...	...
Myoung Mya do.	94	1	...	1	...	...	...	...
Nga Pootan do.	103	3	1	1	...	...	...	1
Kyoung Tha ì do.	44	6	1	4	...	...	...	1
TOTAL...	2,754	128	43	43	1	13	17	11

The result of the Appeals from the Courts of the Kyoungtha, Myoung Mya, Theegwen, and Tsabayon, Myo Okes is not favorable. The Assistant Commissioner and Extra Asst. Commissioner of Bassein and Laymyethna Myo Oke are very favorable. The percentage of Appeals from decisions is very small throughout with the exception of the Kyoungtha Myo Oke's Court. From the Extra Asst. Commissioner's Court at Ngathaing Khyoung there were seven Appeals 2 were confirmed, 2 compromised, 2 remanded and 2 pending at the close of the year, the result is favorable.

4. The following Table will show the number of Civil and Miscellaneous Cases instituted in each subordinate Court in the District, the number disposed of, and those pending at the close of the year.

Courts.	Instituted in 1868 including pending from last year.			Disposed of			Pending at close of 1868.		
	Civil.	Miscellaneous.	Total.	Civil.	Miscellaneous.	Total.	Civil.	Miscellaneous.	Total.
Asst. Commissioner Bassein ...	231	65	296	230	65	295	1	...	1
Extra Asst. Do. Ngathaing...	217	42	259	215	38	253	2	4	6
Do. Do. Bassein ...	512	140	652	511	140	651	1	...	1
Do. Do. Pantanau...	245	47	292	244	45	289	1	2	3
Laymyethna Myo Oke	310	39	349	303	36	339	7	3	10
Yaigyee Do.	429	68	497	428	68	496	1	...	1
Tsabayon Do.	163	29	192	163	29	192	...	...	...
Thee Gwen Do.	199	28	227	199	28	227	...	...	...
Shwè Loung Do.	220	19	239	220	19	239	...	...	...
Myoung Mya Do.	94	8	102	94	8	102	...	...	...
Nga Pootan Do.	103	22	125	103	22	125	...	...	...
Kyoungtha Do.	44	...	44	44	...	44	...	...	...
Total.....	2767	507	3274	2754	498	3252	13	9	22

The Laymyethna Myo Oke is the only one who shows a large number of cases pending. I have gone over his returns and find that five out of the 7 Civil cases were instituted after the 22nd December; the remaining 2 he might have disposed of, one was instituted on the 10th November and the second 7th December, he has been called upon to explain cause of delay in these 2 cases.

5. The following comparative Statement will show the number of Civil Original Suits instituted in each Court with Increase and Decrease :—

Courts.	1867.	1868.	Increase.	Decrease.
Deputy Commissioner.	1	...	...	1
A. Commissioner, Bassein. ...	365	225	...	140
E. A. Commissioner, Ngathaing Khyoung.	...	217	217	...
E. A. Commissioner, Bassein. ...	443	504	61	...
E. A. Commissioner, Pantanau. ...	228	243	15	...
Laymyethna Myo Oke.	372	303	...	69
Yaigyee Do.	490	424	...	66
Tsabayon Do.	196	160	...	36
Thee Gwen Do.	205	199	...	6
Shwè Loung Do.	222	220	...	2
Myoung Mya Do.	88	94	6	...
Nga Pootan Do.	105	103	...	2
Kyoungtha Do.	59	44	...	15
TOTAL.	2,774	2,736	299	337

The largest decrease it will be observed is in the Assistant Commissioner's Court; I have given reason for the decrease in a previous para :—There is an increase of 217 cases shown under Ngathaing Khyoung; this Court was only opened in the commencement of the year, and drew away a number of litigants from Laymyethna, Yaigyee and Tsabayon, being more central; it will be observed that there is a decrease of 69 Suits in Laymyethna, 66 in Yaigyee, and 36 in Tsabayon; the total being 171, deduct from 217 instituted in the Extra Assistant Commissioner's Court at Ngathaing Khyoung and there is an increase of 46 Suits.—The decrease at Kyoungtha is large in comparison to the number of Suits generally instituted in that Court, the Myo Oke gives no reason for the excessive decrease which is just above 25 per cent.

6. The following is a classification of appeals and original suits instituted before all the Courts in the Bassein District during the year 1868 as per Col. 6 & 7 of Statement No. 1.

	Appeals.						Original.					
	Deputy Commissioner.	Asst. Commissioner.	Ex. Asst. Commissioner.	Tsitkay.	Myo Okes.	Total.	Asst. Commissioner.	Ex. Asst. Comm'r. Ngathaingkyoung.	Ex. Asst. Comm'r. Bassein.	Ex. Asst. Commissioner Pantanau.	Myo Okes.	Total.
I SUITS CONNECTED WITH IMMOVEABLE PROPERTY.												
1. Houses	10	...	...	...	...	10	...	...	11	4	6	21
2. Land	14	...	...	...	...	14	4	7	11	4	26	52
3. Mortgages	1	...	...	...	...	1	2	...	...	...	1	3
4. Fisheries	2	...	...	...	...	2	...	3	...	...	11	14
5. Inheritance	...	...	...	...	...	...	...	1	1	...	1	3
6. Other Cases	1	...	...	...	...	1	...	...	...	...	2	2
II SUITS NOT CONNECTED WITH IMMOVEABLE PROPERTY.												
1. Debt	35	...	...	...	...	35	162	15	193	68	501	849
2. Damages for Breach &c, &c.	...	...	...	...	...	...	15	50	191	...	105	361
3. Do. for personal injury &c.	13	...	...	...	...	13	3	16	75	38	282	414
4. Marriage or Divorce ...	...	...	...	...	...	...	4	7	86	27	145	269
5 Inheritance	2	...	...	...	...	2	...	1	4	2	13	20
6. Other Cases.	43	...	...	...	...	43	35	117	22	100	454	728
Total ...	121	...	...	...	...	121	225	217	504	243	1547	2736

Out of this number viz: 2736 cases, 194 were decided by arbitrators, giving a percentage of 8.

7. The following statement will show cases referred under section 312 and filed under section 327, also classification of the cases:—

Referred by Court under Section 312.	Award filed under Section 327.	*Classification of cases in two previous columns.*					
		Divorce.	Inheritance.	Defamation or personal injury.	Debts.	Award confirmed.	Award set aside.
144	50	96	4	46	48	193	1

Divorce cases it will be seen make up half the cases that go up before arbitrators, there are hundreds and hundreds of cases which never come before the Courts, but are settled by private arbitration; the parties agree to abide by the finding of a couple of elders; it is done on the spot, the losing party pays down whatever the claim was against him and there is nothing more about it. If the arbitrators are not exorbitant in their Yan-Poozan demands the people prefer settling their disputes amongst themselves to going to the expense of paying for stamps, and being done in different ways by the Shainais who flock about the Courts.

8. The following statement shows execution cases:—

1. No. of (Miscellaneous cases) Execution of civil side decrees in 1868 423

2. { *a.* No. of suits against property... 328
   { *b.* Against the person... 95

3 { *a.* No. in which property has been sold under Decree 228
  { *b.* No. in which Defendants have been incarcerated... 10

No. of applications for execution, including pending last year.	No. of decrees completely executed.	No. of decrees partially executed.	Pending at the end of the year.	No. of cases in which specific performance was enforced.	Sales of real property.	Sales of personal property.	Sequestration of real property.	Imprisonment.
423	328	30	9	...	183	45	...	10

9. The compartive average duration of suits in the Deputy, Assistant, Extra Assistant Commissioners and Myo-Okes Courts is shewn in the following Table:—

Courts &c.	1867.		1868.	
	Months.	Days.	Months.	Days.
Appeals.				
Deputy Commissioner	2	26	2	10
Regular Suits.				
Deputy Commissioner	1	4	...	...
Assistant Commissioner.	...	9	...	10
Extra Assistant Commissioner, Ngathaing Kyoung.	...	...	...	8
Do. do. do. Bassein...	...	10	...	9
Do. do. do. Pantanau	...	4	...	5
Laymyethna Myo Oke	...	5	...	10
Yaigyee do.	...	14	...	12
Tsabayon do.	...	9	...	11
Thee Gwen do.	...	13	...	9
Shwè Loung do.	...	6	...	8
Myoung Mya do.	...	11	...	18
Nga Pootan do.	...	5	...	12
Kyoung tha do.	...	9	...	12

The average duration in the Deputy Commissioner's Court in Appeal cases, though 16 days less than the previous year, is again high this year, viz 70 days. The Commissioner of Pegu is kindly referred to the explanation rendered on the submission of the Civil Returns for the 2nd Quarter, the number of cases pending then on the File was 48. The cause of it was, because the Deputy Commissioner was unable to dispose of more than 11 cases during the first half year, a portion of January was taken up with the Annual Returns and Reports, immediately after that, with Revenue Settle-

ment duties, from which he was ordered to the coast to hunt up the Bandit Shwè Moung and his gang; after this expedition, and immediately on return to Head Quarters, the attack on the Treasury took place: the enquiry into which, and other cases which sprung up from it occupied some days. The following is a Memo: of work done by the Deputy Commissioner from 1st January to 30th June.

Civil Appeal Cases	11
Criminal Do.	4
Civil Mis: Do.	10
Criminal Miscellaneous Cases	11
Criminal Cases in which 253 persons were concerned	92
Witnesses examined	342
Petitions disposed of	271

Annual Civil, Criminal and Stamp Returns and Reports, Statistical Retnrns; Breaking up of the Bandit Shwè Moung's Gang; and disposal of him and his Lieut. Shwè Bwâ; to say nothing of the retaking of 3 lacs of Government money from a Band of Dacoits which certainly did not take much time but gave a good deal of work afterwards.

REVENUE.

Revenue Settlement, leasing of 31,800 acres.
Disposal of Revenue Cases and Petitions 647
Revenue Reports and Returns,
Abkarree Report, Local Fund Report and return,
Statistical returns besides correspondence:

From 1st July to end of the year.

Civil Appeals	106
Criminal Do.	10
Criminal Cases in which 262 Persons were concerned	133
Civil Mis: Cases	14
Criminal Mis: Cases	26
Witnesses examined	751
Petitions disposed of	663
Report on Arms Act, Section by Section	
Revenue Cases and Petitions	895
Besides correspondence.	

10. The following is a comparative Statement of the value of Suits (appeal and original) Stamps and Costs.

	1867			1868		
Value of property in appeal cases.	17,630	6	10	12,935	14	10
The Stamps on Ditto.	1,361	4	0	1,190	8	6
And costs.	764	14	10	930	6	9
Percentage of costs on value litigated	7	11	6	9	3	2
And exclusive of Stamps	4	4	0	7	3	0
Value of property litigated in original cases was ...	1,98,547	11	5	1,62,258	0	0
Stamps on Ditto.	17,003	0	0	17,002	13	0
And costs	10,743	10	10	9,700	0	6
Percentage of costs on value litigated	8	0	0	10	7	7
And exclusive of Stamps	5	6	0	5	10	6

11. The following is the comparative detailed Statement of Deeds registered:—

Courts of	Description.	1867 No of Deeds.	1867 Value of Deeds.		1868. No. of Deeds.	1868. Value of Deeds.	
Assistant Commissioner, Bassein.	Permanent conveyance Register ...	9	4,796	0	20	12,050	0
	Temporary Do. ...	7	1,477	6	25	26,286	0
	General Do. ...	11	2,571	10	11	2,171	0
	Register of Wills	0	0	0	1	0	0
	Total ...	27	8,845	0	57	40,507	0
Extra Assistant Commissioner, Pantanau.	Permanent Conveyance Register ...	0	0	0	3	1,688	0
	Temporary Do. ...	0	0	0	2	1,500	0
	General Do. ...	0	0	0	0	0	0
	Register of Wills	0	0	0	0	0	0
	Total ...	0	0	0	5	3,188	0
	Grand Total ...	27	8,845		62	43,695	0

showing a very large increase over last year. The Register Books have all been examined by me they have been kept up in strict conformity with the "Rules laid down for the Registry of Deeds in the Province of Pegu."

12. The Register Books kept up in the different courts have all been inspected by me, and found to be according to form laid down.

13. There was only one suit preferred during the year in which Government was a party and that was in the Assistant Commissioner's Court, the case was filed by the Executive Engineer against a Lime Contractor.

14. Lieutenant M. C. Poole was Assistant Commissioner throughout the year, he is a painstaking intelligent officer, with very good judgment, I am very much satisfied in the manner he has conducted his duties.

15. Mr. R Perreau was Extra Assistant Commissioner at Ngathaing Kyoung throughout the year and carried on his duties to my entire satisfaction, he is hard working, willing, and an intelligent officer, liked by the natives.

16. Extra Assistant Commissioner Moung Shwè Bo conducted his duties to my satisfaction, he had been ailing for some time and when he got very bad applied for leave and came into Bassein on the December and I am sorry to say died on the 7th January,

17. Tsitkay Moung Shwè Byah I am glad to be able to report very favorably of, he has given me entire satisfaction, he has been promoted lately to Extra Assistant 1st Grade 1st Class.

18. The Myo Okes have all performed their duties well.

REPORT
OF THE
DISTRICT MAGISTRATE OF MYANOUNG
For 1868.

EXPLANATORY.

1. Owing to the sudden departure of the Deputy Commissioner, Major Hildebrand, who was compelled by ill-health to leave for England, on the 7th February, the duty of preparing the Annual reports, has devolved, on the Assistant Commissioner Myanoung.

COURTS OF THE DISTRICT.

2. No change occurred in any of the Courts, during the year.

NO. OF SUITS BEFORE THE COURTS.

3. There were 100 Suits pending from 1867 viz: 96 Appeals, 1 Original Suit, and 3 Miscellaneous cases: 3330 cases were instituted during the year.

So that the total number of cases of all sorts before the Courts was 3430.

NUMBER DISPOSED OF &c.

4. Of the above 3323 cases were disposed of, by all the Courts, leaving 107 pending at the close of the year: of these latter, 99 were Appeal cases before the District Court.

The small number pending in the Subordinate Courts is very satisfactory.

NO. COMPARED WITH LAST YEAR.

5. The number of cases instituted during the year, was 421 less than the number in 1867; the decrease has taken place chiefly in Suits, for damages for personal injuries, and for debt.

The following table shows the nature of the different cases, for the two years 1867 and 1868.

Year	Appeals	Regular Suits	Miscellaneous Cases	Total.
1867	161	3179	411	3751
1868	139	2772	419	3330
Increase ...	...	...	8	...
Decrease ...	22	407	...	421 net

DISTRICT COURT CASES.

6. No original suits were instituted in the District Court

The Appeals were as follows:

Pending from 1867	96
Instituted in 1868	139
Total....	235
Decided	136
Pending 31st December 1868 ...	99

7. The average time taken to decide these Appeals, was 5 months and 23 days. This is somewhat less than the average shown in the returns for 1867, 6 months and 29 days. The number of cases decided by the District Court too was much larger: 136 against 98: this result will it is hoped be considered satisfactory when it is recollected that, as in 1867, so during the year under report, the time of the Deputy Commissioner has been entirely absorbed, by the large amount of Criminal work, which devolved upon him. The longest time taken to decide a case was 12 months and 3 days: this was a case left pending at the close of 1867, the only explanation which can be given, of the long delay that occurred in it, is that the Deputy Commissioner was unable to take it up in the early part of the year, owing to press of other more important work. The longest period any case on the file at the close of the year has been pending is 8 months and 27 days.

8. The Number of Cases left pending at the Close of the year was 99 or 3 more than were pending in 1867.

It was a matter of great regret to Major Hilderbrand that he could not reduce this number, but he found it utterly impossible to do so.

9. There were no Miscellaneous Appeals during the year.

10. The 136 decided cases were thus disposed of

Confirmed	56
Reversed	49
Modified	12
Rejected	4
Otherwise disposed of	15

This is a slightly better result than was shown last year, but the proportion of cases in which the decisions of the Lower Courts, were Reversed, is very high: the Deputy Commissioner has more than once made the remark that some of the Myo Okes cannot be brought to frame proper issues, or to decide on the issues they do frame.

SUITS IN THE SUBORDINATE COURTS.

11. The number of Regular Suits instituted in the Subordinate Courts was 2,772 one case was pending at the close of 1867. 2,766 Cases were disposed of during the year, leaving 7 Cases pending.

12. The Annexed table shows in what Courts the Cases were instituted, and how they were disposed of.

Courts.	Number of Cases Instituted.	Decided.	Pending.	Plaintiff.	Defendant.	Otherwise disposed of.	Average Days.
Assistant Commissioner 3rd Class, (Tharrawaddy.)	43	43	...	25	4	14	7
Do. do. do. (Myan Oung.)	8	8	....	6	2	...	11
Ex. Asstt. Comr., 1st Class, 1st Grade (Henzadah.)	12	12	...	10	1	1	13
Do. do. do. do. (Donabiew.)	28	28	...	9	4	15	7
Do. do. 2nd Class, 1st Grade (Tseitkai.)	433	430	3	214	64	152	10
Do. do. 3rd Class, 1st Grade (Ok Phoe.)	467	467	...	194	69	204	19
Do. do. do. do. (Mongyo.)	174	173	1	51	8	114	7
Do. do. do. do. (Tsanyua.)	147	145	3	67	24	54	11
Do. do. do. 2nd Grade (Donabiew.)	297	297	....	121	55	121	7
Do. do. do. do. (Kyan Gheen.)	320	320	....	139	35	146	6
Do. do. do. do. (Henzadah.)	589	589	...	319	61	209	5
Do. do. do. 3rd Grade (Khoonityna.)	184	184	...	62	1	121	3
Do. do. do. do. (Tahpoon.)	70	70	...	29	4	37	4
Total.	2772	2766	7	1246	332	1188	9

13. The average duration of these cases was 9 days, which is fair. The average of the Ok Phoe and Henzadah Extra Assistant Commissioners Courts is rather higher than it ought to be; while the very low average of the Court of the Extra Assistant Commissioner, Khoonityna, would indicate a hurried procedure. The Assistant Commissioner Myanoung explains that the high average shown by him is owing to unavoidable delay which occurred in a case in which the defendant was obliged to send to a distance, for witnesses and papers. He has very few Civil cases, so that a delay in one, brings the average up very high.

14. The Miscellaneous cases numbered 419: only one case was pending at the close of the year. The average duration was six days. The Table below exhibits the details of these cases: it will be observed that the average duration of the cases in the Courts of the Extra Assistant Commissioner at Ok Phoe and Donabiew, is extremely high.

Courts.	Number of cases Instituted.	Decided.	Pending.	Plaintiff.	Defendant.	Otherwise disposed of.	Average.
Deputy Commissioner, 3rd Class (Myanoung)... ...	33	33	...	2	...	31	1
Assistant Commissioner, 3rd Class (Tharrawaddy)	11	11	...	10	1	...	1
Do. do. do. (Myanoung)	10	9	1	3	3	36	2
Ex. Asstt. Commr., 1st Class, 1st Grade (Henzadah)	12	12	...	6	...	6	2
Do. do. do. do. (Donabiew)	...	...	...	...	...	...	...
Do. do. 2nd Class, 1st Grade (Tseitkai)	65	65	...	65	...	...	1
Do. do. 3rd Class do. (Ok Phoe)	65	65	...	65	...	...	21
Do. do. 3rd Class, 1st Grade (Mongyo)	13	13	...	10	...	3	6
Do. do. do. do. (Tsanyua)	20	23	...	21	2	...	5
Do. do. 3rd Class, 2nd Grade (Donabiew)	48	48	...	41	...	7	18
Do. do. do. do. (Kyan Gheen)	56	56	...	37	4	15	1
Do. do. do. do. (Henzadah)	73	73	...	58	15		2
Do. do. 3rd Class, 3rd Grade (Khoonityna)	6	6	...	6	...	...	1
Do. do. do. do. (Tahpoon)	7	7	...	7	...	...	1
Total...	419	421	1	331	25	65	6

15. The Table given below shows the results of the Appealed cases which have been decided during the year: it will afford a fair idea of the working of the different Courts though not an absolutely correct one owing, to the number of cases still pending.

Courts.	Appeals from Decision.	Judgment Reversed.	Judgment Modified.	Judgment Confirmed.	Rejected.	Otherwise disposed of.
Assistant Commissioner, 3rd Class (Tharrawaddy)	3	...	1	...	1	....
Do. do. do. (Myanoung)	1	...	...	...	...	...
Ex. Asstt. Commr., 1st Class, 1st Grade (Henzadah)	1	...	1	...	...	...
Do. do. do. do. (Donabiew)	3	...	2	...	...	...
Do. do. 2nd Class do. (Tseitkai)	53	5	3	14	1	1
Do. do. 3rd Class do. (Ok Phoe)	118	33	2	26	1	8
Do. do. do. do. (Mongyo)	7	2	2	1	...	1
Do. do. do. do. (Tsanyua)	3	1	...	2	...	...
Do. do. 3rd Class, 2nd Grade (Donabiew)	13	5	...	2	1	...
Do. do. do. do. (Kyan Gheen)	15	...	1	5	...	4
Do. do. do. do. (Henzadah)	15	2	...	5	...	1
Do. do. 3rd Class, 3rd Grade (Khoonityna)	3	1	...	1	...	...
Total...	235	49	12	56	4	15

The result is most favorable to the Extra Assistant Commissioner, 2nd Class, 1st Grade (Tseetkai) of Myan Oung; least so to the Extra Assistant Commissioner of Ok Phoe.

COSTS OF SUITS.

16. The per centage of costs on value of Suits was 10.1 against 20.8 in 1867 inclusive of Stamp duty; and 2.3 exclusive of it against 10.1 in 1867.

17. The value of Suits has increased—it was

In 1867	Rupees	2,01,626
In 1868	„	2,52,546
Increase	„	50,920

18. The Value of Stamps on law papers was

In 1867	Rupees	14,460
In 1868	„	19,401
Increase	„	4,941

The increase is of course due to the increased value of suits.

It is satisfactory to find the costs so small.

EXECUTION OF DECREES, &c.

19. Out of the 2,766 cases disposed of by the Subordinate courts, execution was taken out in 389, with the following results.

In 57 cases the decree was satisfied at once.

In 312 cases the property was attached and sold.

In 40 cases defendants were confined.

In 2 cases Warrants could not be executed.

Decrees were given in favor of Plaintiffs in 1246 cases; it would seem from the small number of cases, in which execution was taken out, that the decisions of the courts, are generally received as satisfactory by the losers.

20. Only 19 cases were referred to arbitration through the courts. There is no means of ascertaining the number of cases referred to arbitration without the intervention of the courts, as the decisions in these cases are never brought to the courts to be enforced.

21. The total number of persons confined in the Civil Gaol, was 40; and the longest period of confinement was 34 days.

22. The Civil Registers of the Myanoung and Tharrawaddy Divisions were inspected by the Assistant Commissioner in charge, and found to be correctly kept.

It is not known whether those of the Henzadah Division were inspected during the year.

REGISTRATION OF DEEDS.

The total number of deeds registered during the year was 71 against 68 in 1867.

No deeds have been registered in Mengyee since the office was opened.

The Registers were duly submitted to the Deputy Commissioner.

The Deputy Commissioner remarked with regard to the books of the Myanoung Office that the Certificate required by Section 60 of the rules to be endorsed on the deeds was not entered; and that a few interpolations were observable.

The forms used since the Office was opened have been strictly adhered to; they are believed to be incorrect, but correct forms have not hitherto been obtained.

Report on Subordinate Courts

On this head the present writer cannot of course say anything.

REPORT
OF THE
DISTRICT MAGISTRATE OF PROME
For 1868.

STATEMENT No. I.

1. The year began with 22 Appeals pending before the Deputy Commissioner, and 244 Appeals were instituted during the year, giving a total of 266.

2. For the previous year the Appeals pending at its commencement, and instituted during the year, were 189, giving an increase in the past year of 77 Appeals.

3. It is difficult to account entirely for this large increase, especially when Original Suits have decreased.

4. The increase however of suits in the Tsitkay's Court has no doubt something to do with it, there being no trouble in Appealing from his judgments; another reason given for this increase and in which perhaps there is some truth, is, that a large number of persons are endeavouring to qualify themselves as pleaders, and they by pointing out mistakes in procedure, or other matters, induce suitors to try an Appeal, where perhaps they would otherwise have remained satisfied.

5. Only one Original Suit was instituted before the Deputy Commissioner during the past year. In Miscellaneous cases, there has been an increase of 32 cases instituted in the Deputy Commissioner's Court.

6. The appeals, disposed of, have been 260 in the past year against 167 in the previous one, and there were pending at the close of 1868, 6 appeals against 22 at the end of 1867.

7. The three pending Miscellaneous Cases were in matters connected with the estates of deceased persons.

8. There was no Assistant Commissioner at Prome during the year 1867, he was appointed at the commencement of 1868 and disposed of 59 Original and 53 Miscellaneous Suits, there being pending in his Court at the close of the year 2 Original and 4 Miscellaneous Suits.

9. The Court of the Assistant Commissioner tries suits of a value above that within the jurisdiction of the Tsitkay and sometimes cases in which others than Burmans are concerned.

10. In the Court of the Assistant Commissioner at Thayetmyo there has been an increase of 12 Original Suits instituted; this is accounted for by there having been, during a portion of the previous year, an additional Assistant Commissioner at Thayetmyo in whose Court 16 suits were instituted, so that there has really been a decrease of 4 suits of a nature cognizable by the Court of the Assistant Commissioner.

11. There were no Original Cases pending in this Court at the close of the year and but two Miscellaneous Cases.

12. In the Court of the Assistant Commissioner Poungday there has been an increase of four Original suits and a decrease of two Miscellaneous, there were no cases pending at the close of the year.

13. The Extra Assistant Commissioner of Prome has done no Civil work, he was employed for a portion of the year on settlement duty and suits which used to be instituted in his Court were decided by the Assistant Commissioner.

14. In the Court of the Tsitkay there has been a large increase of 154 Original Suits and 139 Miscellaneous Suits instituted during the past year.

15. This increase is in some way accounted for by the doings of one Tsan Ya who took sums of money from a large number of people under pretence of giving them high interest and then decamped.

16. A Chinaman also borrowed money and goods from several people and absconded. There have been too a large number of Cases instituted, owing to persons residing in Upper Burma having taken Cloth goods on credit and not again made their appearance, the sufferers in this case being the small shop-keepers who get their goods from the Mogul traders. The number disposed of has just kept pace with the increase in Original suits, there being an increase of 154 Original suits disposed of. In the Miscellaneous suits 288 were disposed of in 1868 against 163 in 1867.

17. At the close of the year 6 Original suits were pending against 10 at the close of 1867, whilst 14 Miscellaneous Cases were pending against none in the previous year.

18. It has been the practice to shew no Miscellaneous cases pending although there actually are some. In cases of application for executing decree it has been used to shew the cases as finished, when an order whether for issue of Warrant or otherwise, has been passed on the Application, a practise manifestly wrong.

19. In the returns for 1867, there were shewn pending at the close of the year 56 cases in the Courts of the Extra Assistant Commissioners or Myokes; this was incorrect, the actual number was 46.

20. During the past year there have been instituted 2,005 cases against 2,305 in the previous year, giving a decrease of 300 cases.

21. No doubt one reason for this is that there was some idea prevalent in the district that persons could not decide Civil cases, where both parties consented, without the order of a Court, and that those doing so, were liable to be punished.

22. In cases connected with marriage or divorce, and frequently in simple cases of debt many persons prefer to have the matter settled by elders of the village rather than go to Court; but this for some cause or other was supposed to be illegal.

23. In Miscellaneous cases there has been an increase of 125, to be attributed mostly I think to more careful returns.

24. In the number of Original suits disposed of there has been a decrease of 258 cases which must naturally follow where there is a decrease in the number of suits instituted.

25. In Miscellaneous cases disposed of again, there has been an increase of 115, corresponding with the increase in the number instituted.

26. In pending cases there is an improvement of exactly half the number pending at the close of the previous year, whilst in Miscellaneous cases there are ten pending against none shewn in the previous returns. The reason for this being

the same as that given in the remarks on pending cases in the Tsitkay's Court. Miscellaneous cases having apparently been considered of little count.

STATEMENT II.

27. In appeals in 1867 the cases connected with immoveable property exceeded those relating to moveable property, the number being as follows:—

Immoveable property...	.....	.....	106
Moveable do ...	.....	.....	78

28. During the past year there has been a decrease in suits connected with immoveable property, whilst those relating to moveable property have doubled thus.

Immoveable	.....	.....	 80
Moveable	.....	.....	 164

29. In Original suits there has been a slight decrease in those connected with immoveable property, the number being for 1867—253, and for 1868—223.

30. In matters not connected with immoveable property there has been a large decrease in suits for debts, damages for personal injuries and wrongs, matters relating to marriage or divorce, and inheritance.

31. All these are matters which no doubt many prefer to have settled by the elders of the village.

STATEMENT No. 3.

32. The results of appeals decided have been almost the same as those of the previous year, the total increase in cases decided in favor of Appellant being 50, and in favor of Respondent 51—two cases were struck off from the Appellants not being present.

33. In the Court of the Tsitkay, the increase in the cases disposed of amounts to 164 cases; the number of cases not actually brought to trial is large.

34. The large number of cases decreed ex-parte is due, no doubt, to their being principally suits brought against persons who have absconded, of whom there has been a larger number than usual during the past year.

35. In the Courts of the Extra Assistant Commissioners or Myokes there is a decrease of 258 cases decided.

36. In these Courts too the numbers compromised or withdrawn or dismissed in default are very large.

37; In Miscellaneous cases there is an increase in the whole District of 300 cases disposed of, the principal increase being in the Courts of the Extra Assistant Commissioners, 2nd and 3rd Classes. As already stated this is, no doubt, principally due to more careful returns.

STATEMENT No. 4

38. In the average duration of Appeals disposed of there has been a slight decrease during the past year, the time being for 1867 1 month and 12 days, and for 1868 1 month and 6 days.

39. The Deputy Commissioner being engaged on Settlement duty at the commencement of the year and at an out of the way part of the District, has made the average higher than it otherwise would have been.

40. There is an increase of Rs. 17,331 in the value of Appeals instituted and a consequent increase in value of Stamps and costs.

41. In the average duration of original suits disposed of there must have been some mistake in the past year's returns.

42. The method of calculating the duration of suits was, no doubt, wrong, neither the day of institution nor decision being included ; this would, of course, lessen the average to a great extent, and there is no reason to believe that the delay in disposing of suits during the past year has been longer than usual.

43. The delay in disposing of suits has been greatest in the Mahathamein and Padoung Courts and least in the Shwèlay and Mengdoon.

44. There is a large increase in the value of suits instituted in the Courts of the Assistant Commissioner and a consequent increase in the value of Stamp papers filed.

45. In the Court of the Tsitkay the increase in the value of suits is very large; in that of the Extra Assistant Commissioners the value of suits instituted has decreased, but there is an increase in the value of Stamp papers filed.

46. The duration of Miscellaneous Suits was not shewn in the returns for the past year; there is a large increase in the value of these suits and some increase in the value of Stamps filed.

EXECUTION OF DECREES.

47. The number of Applications for Execution of decrees has increased during the past year by 224, the numbers being for 1867—302 and for 1868—526.

48. In 149 cases there was no execution and in 345 the decrees were completely or partially executed, leaving 29 pending at the close of the year.

49. The returns for the year 1867, as has been subsequently discovered, are not to be relied on.

50. The number of persons committed to the Civil Gaol during the past year has been 73, four of whom were still in Gaol at the close of the year.

51. The longest period for which any debtor was confined was 4 months and 26 days whilst the average duration of confinement was 20 days.

52. The total amount of money claims against Civil debtors was Rs. 9,766-7 and the amount of diet money expended on those confined was Rs. 235-7 giving an average of Rs. 3-3-8 for each Civil prisoner.

53. Out of those confined 26 were released on payment of the amount claimed, 12 on account of subsistence money not being lodged, 8 as insolvents and 23 by order of the Court on some arrangement being made with the detaining creditor.

CASES REFERRED TO ARBITRATION

54. During the past year 81 cases was referred to Arbitration against 66 in the previous year.

55. For 1867 there were also said to have been 17 Suits instituted to enforce private awards, but this seems doubtful; there have been none of these suits during the past year and

there are but few either private individuals or pleaders who understand the procedure in these cases.

56. Where persons go to Arbitrators of their own account they are generally either satisfied with the decision of the Arbitrators or else come to the Court and commence the suit afresh. Of the 81 cases referred to Arbitration 66 have been decided in favor of Plaintiff and 15 in favor of Defendant.

57. The average duration of these Suits has been 12 days, the value of property in dispute Rs. 10,678-8-5, value of Stamp paper filed Rs. 1,025-8, and amount of fees paid to Arbitrators Rs. 1,027-10-2.

58. The Courts in which the largest number of cases have been referred to Arbitration are Poungday, Padoung, Shwèlay and Kama, the number being as follows:

Poungday	...	25
Padoung	...	13
Shwèlay	...	13
Kama	...	13

59. The Extra Assistant Commissioners who presided in these Courts viz: Shwè Yow, Moung Tsaw, Moung Weik and Tha Htoo are no doubt as Judicial Officers the most dilatory and most deficient in knowledge of both law and procedure in the district.

Examination of Civil Registers.

60. Assistant Commissioner Thayetmyo:—
Civil Regular Register, well kept.
Civil Miscellaneous do. do.

61. Assistant Commissioner, Prome:—
Civil Regular Register, well kept.
Civil Miscellaneous do. do.

62. Assistant Commissioner, Poungday:—
Civil Regular Register, correct and entries up to date.
Civil Miscellaneous Register, correct.

63. Extra Assistant Commissioner, Prome—no entries:—

64. Tsitkay, Prome :—
Civil Regular Register, correct and well kept.
Civil Miscellaneous Register, correct but not neat.

65. Shwè doung, Extra Assistant Commissioner's Court:
Civil Regular Register, correct and well kept.
Civil Miscellaneous Register, entries incomplete and not well kept.

66. Poungday, Extra Assistant Commissioner's Court.
Civil Regular Register, entries incomplete and carelessly kept:
Civil Miscellaneous Register, entries incorrect.

67. Padoung, Extra Assistant Commissioner's Court:—
Civil Regular Register, correct and well kept.
Civil Miscellaneous Register, correct.

68. Mahathamien, Extra Assistant Commissioner's Court:
Civil Regular Register, entries incomplete.
Civil Miscellaneous Register, entries incomplete.

69. Shwèlay Extra Assistant Commissioner's Court:
Civil Regular Register, correct.
Civil Miscellaneous Register, correct.

70. Thayetmyo, Extra Assistant Commissioner's Court.
Civil Regular Register, well kept.
Civil Miscellaneous Register, correct.

71. Meaday, Extra Assistant Commissioner's Court :—
Civil Regular Register, well kept.
Civil Miscellaneous Register do.

72. Mengdoon, Extra Assistant Commissioner's Court :
Civil Regular Register, entries incomplete.
Civil Miscellaneous Register, correct.

73. Kama, Extra Assistant Commissioner's Court :—
Civil Regular Register, correct.
Civil Miscellaneous Register do.

74. General Remarks. The Assistant Commissioner of Prome has the most difficult cases to deal with, principally between Natives of India; there were seven appeals against his decisions, four of which were reversed.

75. Only one appeal was brought against the decision of the Assistant Commissioner of Thayetmyo, and which decision was confirmed.

76. The Tsitkay has a large number of cases to try and appears to give satisfaction; he disposed of 928 cases, 71 of which were appealed; of these the decision in 39 cases were reversed.

77. Of the other Courts the largest number of appeals is from the Kama Extra Assistant Commissioner who is getting old and past work.

78. In all the Courts attention is paid to procedure and the cases are as a general rule well and carefully tried.

79. At the close of the year there were eighteen pleaders practising in the district, two were second class and the remainder third.

80. An examination was held in October when a large number appeared, but not one succeeded in passing; ten of these were men who had been allowed to practice for some time previous to passing.

81. The number at present in the district appears to be quite sufficient.

Registration of Deeds.

1. The Assistant Commissioner of Thayetmyo, Major Munro, has during the past year, been in charge of the Registration Office at that station, and, with the exception of one month, when Mr. Richardson was in charge. Mr. Phillips, Assistant Commissioner of Prome, has been in charge of the Prome office.

2. There has been an increase of 63 deeds registered during the past year, the deeds registered in each office for the two years being as follows:—

	1867	1868
Prome	95	155
Thayetmyo	57	60

the increase being principally in the Prome Office.

3. In the value of property registered there has been a decrease of Rupees 15,122-0-3.

4. In both Offices there has been a decrease; in that of Prome of ....Rs. 4,105-0-3
and in that of Thayetmyo of ....Rs. 11,017-0-0.

5. In the Prome Office there has been an increase of 35 deeds registered in the "Permanent Conveyance Register,"

and of 23 deeds in the "Temporary Conveyance Register," and a decrease of 4 deeds entered in the "General Register."

6. Two Wills have been registered in the Prome Office during the past year.

7. In the Thayetmyo Office there has been an increase of 6 Deeds entered in the "Temporary Conveyance Register", and of 4 entered in the "General Register," whilst there has been a decrease in Deeds of Permanent Conveyance to the number of seven.

8. No Wills have been registered in the Thayetmyo Office.

9. The amount of fees in the two Offices during the past two years has been as follows:—

	1867	1868
Prome	190	320
Thayetmyo... ...	114	120

10. The Registers in the Prome Office were carefully kept, but the rules were not strictly followed on the following points:—

11. Certificate stating the number of pages in the Register was not written in the hand writing of the Registrar; the pages were not attested nor were the pages in the "Permanent Conveyance Register" correctly numbered.

12. Date and hour of the day when the Deed was presented was not recorded on the Copy, nor was there any Certificate recorded stating the day and hour when the entry was completed.

13. The Registers in the Thayetmyo Office were not so carefully kept, and in addition to the same omissions observed in the Prome Office, with the exception of a Register not being correctly numbered, there were also the following errors: Several Deeds were entered in the wrong registers, indices in separate books were not kept up—no alphabetical arrangement had been observed, and the entries in the indices were incomplete.

REPORT

OF THE

DISTRICT MAGISTRATE OF TOUNGOO

For 1868.

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STATEMENT No. I.

1. A considerable increase has occured in the number of Original, whereas, the Appellate suits instituted in the past year show a slight decrease compared with the year previous. In Original cases an increase 8.8 per cent and in Appellate suits a decrease of .48.

CASES INSTITUTED.	APPEALS.	ORIGINAL.
1867	145	1163
1868	138	1266
	Decrease 7	Increase 103

2. In 1867 there was in bothOriginal and Appellate suits taken together of 4.5 and 15.17 per cent respectively.

3. The increase in Original suits may be attributed to an increase of nearly 49 per cent in the number of suits for money due on contracts instituted during the past year.

This is in a measure due to creditors having recourse to law to payment of debts that remained unpaid owing to the scarcity of provisions and also to an increase in suits for personal property or value thereof.

4. A comparative statement of the Miscellaneous cases instituted in the year under review is marginally shown, exhibiting an increase of 254 cases.

MISCELLANEOUS.	CASES.
.. .. ..	645
.. .. ..	899
Increase	254

5. The returns shews a decrease of seven in the number of Appellate cases compared with last year.

Decrease in appeal cases .. 2

6. The duration of suits during the year under review average 13.5 days against 11 days in 1867.

7. During the past year 136 cases were disposed of, this includes two cases pending at the close of 1867, which, added to 138 instituted in the year under review, leaves 4 cases pending.

DISPOSAL OF CASES.

8. The number of original cases heard and disposed of during the year shows an increase of 99 over the year previous. The number of cases disposed of in all the courts in 1868 amounting to 1,267 against 1168 in 1867. The number of cases pending on the 31st December 1868 was seven against 8 in former year.

9. The number of Miscellaneous Cases disposed of during 1868 as compared with that of 1867 noted in margin shows an increase of 251 suits which calls for no remark.

MISCELLANEOUS.

	Cases.
1867	647
1868	898
Increase	251

10. The pending cases in the two years were as follows:—

	Appeal.	Original.	Miscellaneous.	Total.
Pending on the 1st January 1868	2	8	„	10
Do, on the 31st December 1868	4	7	1	12
	+2	—1	+1	+2

Classification of Suits.

Statement No. II.

11. In the number of cases of immovable and movable property instituted before all the Courts of the District shown in the return for the current year, there is an increase of 103 original cases and a decrease of 7 in appeal cases. There was a decrease in immoveable property of 31 and an increase in moveable property of 127.

12. The following are the numbers of each of the above Classes of Suits during the past 2 years.

Class of Suits.	Year,	Appeals.	Original
Suits connected with immoveable property.	1867	39	82
	1868	35	122
		Decrease... 4	Increase...40
Suits not connected with immoveable property.	1867	106	1081
	1868	103	1144
		Decrease... 3	Increase...63

DEBTS.

1867 .. .. 376 Cases
1868 .. .. 415 ,,
Increase 39 ,,

DAMAGES.

1867 .. .. 55 Cases
1868 .. .. 40 ,,
Decrease 15 ,,

13. In the number of Debt cases instituted during the year there has been an increase of 39 cases, and those of damages for both breach of contract and injury there has also been a decrease of 15.

14. By Statistical Returns there is an increase of 3. This is owing to the new returns giving a separate heading for cases which in the Local returns are included under *other cases.*

MARRIAGE OR DIVORCE.

1867 .. .. 136 Cases
1868 .. .. 136 ,,

INHERITANCE.

1867 .. .. 6 Cases
1868 .. .. 14 ,,

15. Exactly the same number is shown in both years.

16. There were 14 claims to inheritance under *Lex loci* against only 6 in 1867.

Detail of Suits.

Statement No. III.

17. In the year under review there were 136 cases of Appeals from the Lower Courts decided and disposed of, the number of cases decreed in favour of Respondents being slightly in excess of those decided in favour of Appellants viz : 8 cases as shown per margin. Of these the remaining twenty-eight Suits were remanded for further hearing.

DECISION OF CASES.

APPEALS.

In favour of Appellant 50
Do. Do. Respondents 58
8

ORIGINAL CASES.

18. There has been an increase in the number of original cases disposed of during the year, 757 cases were decided in favour of Plaintiffs and 255 in favour of Defendants, of which 140 were ex-parte against 90 in 1867 giving an increase of 7.6 per cent.

19. There has been a slight increase in the number of cases dismissed in default or withdrawn during the year under Report compared with the previous year, as shown by the Statement in the margin.

1867	30	Cases.
1868	35	,,
	5	,,

20. In 1867, 238 cases were decided in favour of Defendant against 225 in 1868, showing an increase of 17 Suits in present year.

DISPOSED OF MISCELLANEOUS CASES.

21. The returns for 1868 show an increase in the number of Miscellaneous cases disposed of, amounting to 898 suits, 715 cases were in favour of Plaintiffs and 111 in behalf of Defendants against 490 and 98 in 1867. A slight increase has also taken place in the number of cases dismissed in default or withdrawn in 1868 against 1867.

	In favour of Plaintiffs.	In favour of Defendants.	Compromised or withdrawn.
1867	490	98	6
1868	715	121	15
Increase.	225	23	9

22. 898 Miscellaneous cases were disposed of during the year—899 were instituted leaving one case to be disposed of at the end of the year.

APPEALS FROM EACH OF THE SUBORDINATE COURTS.

23. In the year under review the number of appeals preferred from the Lower Courts amounted to 138 against 145 in the previous year.

24. The following is a Statement of Appeals preferred from each Subordinate Court and their results.

	No. of Appeals	Decree Confirmed.	Decree Reversed.	Otherwise disposed of.	Pending.
Assistant Commissioner Mr. Duke	5	2	1	2	...
Extra Assistant Commissioner 2nd Class 2nd Grade. ...	76	33	27	15	1
Extra Assistant Commissioner 3rd Class 5th Grade Myoma.	14	5	5	2	2
Do. do. do. do. do. Zeyawaddie.	28	11	10	6	1
Do. do. do. do. do. Bombaddie.	9	4	3	2	...
Do. do. do. do, do. Thagarah.	8	3	4	1	...
Total...	140	58	50	28	4

25. Supposing the Judgments in the appellate Court to be right, and comparing this Statement with a similar one attached to the Commissioner of Pegu's Civil Report for 1867, the proportion of cases confirmed on appeal contrast favourably in all the Courts with the average of their several grades for the Division.

The result being particularly favourable to Extra Assistant Commissioners Moung Htine and Moung Shwè Myat.

26. The proportion of appeals to cases decided in each subordinate Courts is shown in the following table.

Courts.	No of cases disposed of.	No. of Appeals from decision.	Average Percentage of Appeals to cases.
Assistant Commissioner, Mr. Duke	25	5	20
Officiating Do. Do. Lieut. Thorp	29	0	0
Ex. Asst. Commr., 2nd Class, 2nd Grade of Toungoo	713	75	10.05
Do. Do. 3rd Class, 5th Grade of Myoma	160	14	8.75
Do. Do. Do. Zeyawaddie	145	27	18.62
Do. Do. Do. Bombaddie	91	9	9.99
Do. Do. Do. Thagarah	104	8	7.73
Total ...	1,267	138	

27. The following is a detail of 1267 Original suits disposed of by the Subordinate Courts of the District.

	Cases disposed of.	Decrease in favor of		No. of Ex-parte. Decrees.	Withdrawn or compromised.
		Plff.	Defdt.		
Asst. Commr. Mr. Dukc	25	18	6	0	1
Offg. Do. Lieut. Thorp... ...	29	19	2	1	7
Ex. Asst. Commr. Moung Htine	713	418	129	101	65
Ex. Asst. Commr. of Myoma	160	84	29	23	24
Do. of Zeyawaddie... ...	145	80	45	9	11
Do. of Bombaddie	91	60	16	0	15
Do. of Thagarah	104	58	28	6	12
Totol ...	1,267	737	255	140	135

Duration of Suits value of Stamps &c.

Statement No. IV.

28. The average duration of Appeal cases in the District Appellate Court exceeds that of last year by 2.5., this is owing to the Criminal work being much greater in the Chief Magistrate's Court during 1868.

DURATION OF ORIGINAL SUITS.

29. Compared with 1867 there has been a considerable improvement in the average duration of Original Suits instituted in the several Courts of the District.

30. Tabular Statement of the average duration of cases in the several courts.

	Original.		Miscellaneous.	
	M.	D.	M.	D.
Assistant Commissioner, Mr. Duke	...	13	...	1.3
Officiating do. Lt. Thorp	...	6	...	...
Ex. Asst. Commr. of Toungoo	...	11	...	4
do. do. of Myoma	...	2.75	...	1
do. do. of Zeyawaddie	...	3.35	...	1
do. do. of Bombaddie.	...	3.39	...	1
do. do. of Thagarah...	...	3.60	...	...

VALUE OF SUITS.

31. In the total value of Appellate, Original and Miscellaneous suits instituted during the year there is an increase of Rs. 8,395-7-11 over that of 1867.

	Rs.	A.	P.
1867 - - -	13,621	5	4
1868 - - -	22,135	2	8
Increase- - -	8,513	13	4

32. In Appellate court the value has increased considerably. In 1867 it was Rs. 13,621 against Rs. 22,135 in 1868.

	Rs.	A.	P.
1867 - - -	85,210	3	9
1868 - - -	75,995	1	7
Decrease- - -	9,215	2	2

33. In original cases there has been a very large decrease in the value of suits for 1868. In 1867 it amounted to Rs. 85,210 whilst in the past year the amount was only Rs. 75,995.

34. By a comparison of the returns for the two years it appears that claims for small amounts under Rs. 20 fell off at the rate of 31.9 per cent in 1868 while the percentage of increase in the number of cases of the higher values amounted to 151.9; still the total value of cases fell off by 8.18 per cent in 1868, owing to a comparatively heavy case of Rs. 14,863 in value having been on the Deputy Commissioner's file in 1867. The average value of each suit has fallen from 83 to 71 (excluding fractions) while with the decline in value, increased by the number of suits in 1868, the average cost of suits has only risen from 5.36 to 5.4.

35. The total value of suits in Miscellaneous cases greatly increased this year in comparison with that of the previous year. The amount for 1867 being Rs. 70,497 and that for 1868, 79,569 giving an increase of Rs. 9,071.

1867	Rs.	70,497	7 11
1868	,,	79,569	7 8
Increase	Rs.	9,071	15 13

36. The total value of stamps on law papers during the year amounted to Rs. 10,379-15 giving an increase of Rs. 2,205-1 as shown in margin.

VALUE OF STAMPS ON LAW PAPERS.

1867	Rs.	8,174	14 0
1868	,,	10,379	15 0
Increase	Rs.	2,205	1 0

37. The total value of stamps on Appellate cases has increased by Rs. 111-8. The amount for 1867 being Rs. 1,264-8 and that for 1868 Rs. 1,375.

38. In the amount realized by stamps on original suits there has been an increase of Rs. 1,893-13 as shown in margin. In original suits under the operation of the new Stamp Act the value of stamps has increased whereas the total value of original suits instituted in the year under review has decreased as noted before.

ORIGINAL SUITS.

1867	Rs.	6,310	8 0
1868	,,	8,204	5 0
Increase	Rs.	1,893	13 0

39. The value of stamps on miscellaneous cases also shows an increase of Rs. 114-9 compared with the previous year.

MISCELLANEOUS.

1867	Rs.	599	14 0
1868	,,	714	7 0
Increase	Rs.	114	9 0

AMOUNT OF COST.

1867	Rs.	13,654	3 0
1868	,,	16,397	3 11
Increase	Rs.	2,743	0 11

40. The total amount of cost incurred by suitors as in the year under review was Rs. 16,397-3-11 against 13,614-3 in 1867 giving an increase of Rs. 2,743-0-11.

41. Execution of Decrees.

Year.	Executed Completely.	Executed in part.
1867	233	35
1868	355	58
	122	23

Of the 1,131 decrees passed during the year applications for execution were made in 438 cases or at the rate of 38.6.

ARBITRATION.

42. There was a greater tendency to submit cases to arbitration than in 1867, the figures being 7 to 4. Many cases are referred to arbitration that the Courts know nothing of.

REMARKS.

SERVICES OF OFFICERS.

43. Mr. Duke has conducted the duties of the Assistant Commissioner's Court satisfactorily, fully bearing out by his zeal and attention, the estimate of his character as a Judicial Officer formed last year.

44. Mr. Thorp having only joined his appointment in October there has been no time to judge of his ability.

45. Moung Htone, Extra Assistant Commissioner, 2nd Class, 2nd Grade continues to do his work creditably. And although the business of his court increased considerably compared with the previous year there are but few pending cases on his file, and those unavoidable. The other four Burmese Extra Assistant Commissioners 3rd Class, 5th Grade have acquitted themselves in a satisfactory manner.

From Major McMAHON, Deputy Commissioner of Toungoo Division, to the Commissioner of Pegu Division Rangoon, (Home Department Judicial No. 40,) dated Toungoo, 28th April, 1869.

With reference to your letter No. 7-80 Home Department dated 14th April 1869, I have the honor to send copy of my report on Registration of Deeds embodied in "Administration Report."

It was through inadvertence not included in Local Report.

This answers your Memo: No. 6-79 Home Department, of the above date regarding "Civil Local Annual Report" on examination of the books records and Registers of the Subordinate Courts of this District.

JUDICIAL STATEMENT XII.

REPORT ON THE REGISTRATION OF DEEDS, &c.

There is but one Registration Office in the district which is under the control of the Assistant Commissioner.

The business therein fell off considerably compared with the previous year, 38 deeds only being registered compared with 69 in 1867, 15 were for personal contracts and 23 on deeds of sale or mortgage of property exceeding Rs. 100 in value.

Permanent conveyances shewed the greater falling off. The Registrar is unable to account for this, but the number in 1867 was abnormal in as much as it doubled that of 1866.

Temporary conveyances exceeded those in 1867 by only one.

While the General Register showed a falling off of 6 in number, attributed by the Registrar to the depression of business in the district.

There were no wills registered during the year.

INSPECTION OF REGISTERS, &c.

The Deputy Commissioner carefully inspected the records in this Office and found them correctly kept.

The same way may be said of the Registers, &c., belonging to the Subordinate Courts. Those of the Extra Assistant Commissioners were inspected monthly, the Assistant Commissioner's books once in the year.

REPORT

OF THE

DISTRICT MAGISTRATE OF AMHERST

For 1868.

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LIST OF STATEMENTS SUBMITTED.

1. The following Statements are submitted with this portion of the report.

1st.—Statement of suits of every description instituted disposed of and pending.

2nd.—Clsssification of Appeals and original suits.

3rd.—Detail of disposal of suits.

4th.—Supplementary Return showing duration of cases—. value of suits, stamps and costs.

5th.—Return showing result of inspection of offices of Subordinate Courts in form prescribed by the Commissioner in his Civil Miscellaneous No. 122 dated 12th November 1867.

6.—Return of Intestate Estates.

PENDING SUITS LOCAL. Return No. 1 Columns 2 to 5 and 14 to 17.

2. The following is a comparative Return of the number of cases pending at the beginning and at the end of 1868.

	Pending at beginning of 1868.	Pending at close of 1868.
Appeals	28	3
Original Suits	64	79
Miscellaneous Suits...	17	44
TOTAL.....	109	126

There has therefore been a considerable decrease in the number of pending appeals though the number instituted has increased, whilst in original suits there has been an increase of 15 suits and in Miscellaneous suits of 27 pending cases.

The number of cases on the pending appeal File at the commencement of the year was disproportionately large. The file has now been reduced to its proper length.

The number of original suits pending in the Courts of the Deputy and Assistant Commissioners respectively are shewn in the Return itself.

Those pending in the Extra Assistant Commissioner's Courts are shewn in the aggregate. The following is a detailed statement of the cases pending at the beginning and end of the year in each of these Courts.

	Pending at Commencement of Year.	Pending at Close of Year.	Increase.	Decrease.
Ex. Assistant Commissioner, 1st Class, Kaukareit	...	...	...	...
Extra Assistant Commissioner, 3rd Class... ...				
Zeah	21	27	6	...
Bheeloogywon	...	7	7	...
Amherst	3	2	...	1
Yea Lamaing...	...	4	4	...
Gyaing Attaran	3	2	...	1
Gyaing Salween	6	2	...	4
Hlinebway	5	8	3	...
Houndraw	...	...	...	...
Martaban	11	18	7	...
Hpagat	1	3	2	...
Thatone	6	3	...	3
TOTAL	56	76	29	9

From this it will be seen that the only courts in which there was at the end of the year a considerable number of pending cases are those of Martaban and Zeah. The Martaban Myooke, Moung Khyiet was suspended during the year, and at time of his suspension left a very heavy file of pending cases which his successor could not clear off before the end of the year.

The Zeah Myooke, Moung Shwè Ey is an old man, almost unequal to the work devolving on him. He has done good service in his day and it is almost time that he was pensioned.

NUMBER OF PENDING SUITS NOT EXCESSIVE.

3. On the whole the number of original suits pending at the close of the year does not appear excessive, with regard to the number of suits instituted and the average duration of cases during the year.

No encouragement was given to Extra Assistant Commissioners to clear their files at the close of the year. A clean file—no cases pending at that time, generally raises a suspicion that the Judge instead of exerting himself continuously for the prompt despatch of judicial work throughout the year has roused himself into a state of unhealthy energy towards its close in order to furnish a deceptive return. Of the 1026 original suits which were under trial during the year 76 were pending at the close of the year. This number tallies with the average number likely to be pending at any time within the year, as calculated from the average duration of cases. This shows that there was neither undue delay at the end of the year, nor an abnormal display of vigour at the particular period.

SUITS INSTITUTED RETURN NO. 1 COLUMNS 6 TO 9.

4. The following Statement shows the number of suits of all kinds instituted during the past two years.

	1867	1868	Increase
Appeals	97	114	17
Original Suits	899	988	89
Miscellaneous Suits...	854	902	48
Total.....	1,850	2,004	154

There has been an increase in Suits of all descriptions.

INCREASE IN APPEALS.

5. The largest proportional increase is in Appeal cases. But for the deterrent effect of the new Stamp Act (XXVI of 1867) which was in force during the whole of 1868 against half of 1867 only, the increase would probably have been larger. It is believed that the increase is due chiefly to the more prompt despatch of appellate work, the average duration of cases having been reduced from 2 months and 19 days in 1867 to 8 days in 1868.

INCREASE IN ORIGINAL SUITS.

6. The increase in original suits amounts to about 10 per cent. There was one original suit only tried in the Court of the Deputy Commissioner during the year. This was a case which was originally instituted and decided in 1867. It was afterwards appealed to the Commissioner's Court and the decision of the Deputy Commissioner's Court was there set aside and the case remanded for re-trial by the Deputy Commissioner's Court after the commencement of the year. Strictly speaking therefore the case can hardly be said to have been instituted in 1868. But as it was not among the pending cases at the commencement of the year, it has necessarily been entered among the cases instituted during the year. In the Court of the Assistant Commissioner, Maulmain the number instituted has increased from 8 in 1867 to 12 in 1868. In the Court of the Assistant Commissioner, Thatone the number has decreased from 24 in 1867 to 5 in 1868. This is accounted for by there having been no Extra Assistant Commissioner, 3rd Class gazetted to Thatone during the greater part of 1867, and the Assistant Commissioner's Court having consequently taken up some cases in that year which would otherwise have been instituted in the Court of the Extra Assistant Commissioner, 3rd Class. Both these Courts viz: that of the Assistant Commissioner, Maulmain and that of the Assistant Commissioner, Thatone have been invested with powers under Section I Act XXIV of 1863, enabling them to receive cases of any value under Rs. 5000. The Court of the Assistant Commissioner, Amherst established in September 1868 has had no Civil Cases in consequence of not having been invested with these powers.

ORIGINAL CASES IN COURTS OF EXTRA ASSISTANT COMMISSIONERS.

7. The following is a comparative Statement of the number of Original Suits instituted in each of the Courts of the Extra Assistant Commissioners during the past two years.

	1867.	1868.	Increase.	Decrease.
Ex : Asst : Commmissioner, 1st Class, Kaukareit	...	6	6	...
Extra Assistant Commissioner, 3rd Class... ...				
Zeah	150	194	44	...
Bheeloogywon	143	169	26	...
Amherst...	87	89	2	...
Yea Lamaing	77	64	...	13
Gyaing Attaran	64	60	...	4
Gyaing Salween	55	68	13	...
Hlinebway	39	43	4	...
Houndraw	45	61	16	...
Martaban	146	100	...	46
Hpagat	50	25	...	25
Thatone	9	91	82	...
TOTAL	865	970	193	88

There has been an increase therefore in all the Courts except those of the Yea Lamaing, Gyaing Attaran, Martaban and Hpagat. The decrease in Martaban and Hpagat is attributable, in the case of the former township, to the extreme unpopularity of the Extra Assistant Commissioner (Moung Khyiet now suspended), and in the case of the latter township to the extreme inefficiency of the Extra Assistant Commissioner, Moung Ee. The large increase in Thatone is owing to there having been no Extra Assistant Commissioner's Court there during the greater part of 1867. the name of the

Officiating Extra Assistant Commissioner not having appeared in the Gazette.

SUITS COMPARED WITH POPULATION.

8 The following table gives the number and value of the original suits instituted in each Township during the past year as compared with the population.

Township.	Total Population.	Total number of suits instituted in Myo-Okes' Courts.	Total value of suits instituted in Myo-Okes' Courts.		
Zeah	21,408	194	10,482	4	4
Bheeloogywon	19,235	169	7,393	0	0
Amherst	1,537	89	6,173	9	2
Yea Lamaing	9,660	64	2,421	8	0
Gyaing Attaran	16,453	60	4,087	13	6
Gyaing Salween	23,425	68	6,186	15	0
Hlinebway Salween...	10,917	43	2,830	6	0
Houndraw...	7,294	61	5,290	15	0
Martaban	22,987	100	5,196	10	6
Hpagat	7,367	25	705	2	0
Thatone.....	11,433	91	2,984	1	2
TOTAL.....	157,716	964	53,752	3	8

From this it will be seen that the people of the Townships lying nearest to Maulmain, Zeah, and Bheeloogywon institute the largest number of suits.

In Martaban with its population of 22,000 there would probable have been more suits had the Extra Assistant Commissioner's Court been presided over by a more popular officer than Moung Khyiet. The number of suits in Amherst it will be observed, is large as compared with its population. Many of these are instituted by the natives of India and other foreign-

ers residing in the place. Many of these men are old transported convicts who have settled down and amassed property. In Gyaing Salween which is inhabited chiefly by Karens and Toungthoos, most of them very poor, the number of suits is very small in proportion to the population.

MISCELLANEOUS SUITS INSTITUTED

9. The following is a comparative statement of the number of Miscellaneous Suits instituted in the Courts of the different grades during the past two years.

	1867	1868	Increase	Decrease
Deputy Commissioners ...	505	445	...	60
Assistant Commissioners, Maulmain and Thatone	39	30	...	9
Extra Assistant Commissioners twelve Courts	310	427	117	...

There has therefore been a decrease in the number of these cases instituted in the Courts of the Deputy and Assistant Commissioners, but an increase of such cases in the Courts of the Extra Assistant Commissioners. Still however nearly half of the Suits instituted are in the Deputy Commissioner's Court.

NATURE OF MISCELLANEOUS SUITS, IN DEPUTY COMMISSIONER'S COURT.

The following is a comparative table of the different kinds of Miscellaneous Civil Suits instituted in the Deputy Commissioner's Court during the last two years.

	1867	1868
Applications for execution of decree from Recorder's Court ...	27	50
Do. Do. Do. other Courts ...	10	7
Objections to attachment of property in execution of decree ...	5	20
Application for review of Judgment	18	10
Applications under Act XXVII of 1860 for Certificates of Administration	5	5
Applications for Probate Act X of 1865	1	1
Intestate Estates	29	12
Other Cases	410	340
Total.....	505	445

There has been a very large increase it will be seen in the number of applications for execution of the decrees of the Recorder's Court and also a large increase in the number of objections to sale of attached property. The cases entered under the head of "other cases" are mostly on application of

a mere formal nature such as forwarding process for execution by other Courts &c.

EXECUTION OF DECREES BY DEPUTY COMMISSIONER'S COURT.

10. The total amount of the decrees of which execution was applied for in the Deputy Commissioner's Court during the past year was Rs. 17,506-3-7 and the amount for which execution was obtained was only Rs. 1,423. In one case only no execution of decree was obtained. In 31 cases partial execution was obtained and in 21 cases the decrees were fully executed. The amounts realized by sales in execution of decrees were.

For immoveable property	...Rs. 859. 13. 0
For moveable property ...	... ,, 563. 5. 0
Total.....	Rs. 1,423. 2. 0

Among the Judgment debtors 30 were natives of Burma, and 61 natives of India.

EXECUTION OF DECREES IN ASSISTANT COMMISSIONER'S COURT.

11. In the Court of the Assistant Commissioner, Maulmain there were four applications for execution of decree during the year 1868; of these there were 3 applications for execution of decree in Suits for land and one for specific performance under Section 200. There were no applications for execution of decree in the Court of the Assistant Commissioner, Thatone, nor in the Court of the Extra Assistant Commissioner, 1st Class, Kaukareit.

EXECUTION OF DECREES IN EXTRA ASSISTANT COMMISSIONERS' COURT.

12. The following table shows the number of applications for execution of decrees in each of the Extra Assistant Commissioners' Courts, distinguishing those which were for moveable and those for inmoveable property.

	For immoveable property.	For moveable property.	Total.
Extra Assistant Commissioner, Zeah.	7	51	58
... do. ... Bheeloogywon	15	42	57
... do. ... Amherst.	...	18	18
... do. ... Yea Lamaing.	...	4	4
... do. ... Gyaing Salween.	2	31	33
... do. ... Gyaing Attaran.	13	6	19
... do. ... Hlinebway.	...	3	3
... do. ... Houndraw.	...	8	8
... do. ... Martaban.	7	29	36
... do. ... Thatone.	...	17	17
... do. ... Hpagat.	5	...	5
Total...	49	209	258

In seven cases only was execution of decree enforced by inprisonment of the Judgment debtor and the longest period any Judgment debtor was in prison was two months.

ARBITRATION.

13. There were no cases referred to Arbitration during the year from the Courts of the Deputy and Assistant Commissioners.

The following table shows the number of cases in which suits instituted in the Court of the Extra Assistant Commissioners were subsequently referred to arbitration.

Extra Assistant Commissioner,	1st Class,	Kaukareit	2
Do.	2nd Class,	Zeah	0
Do.	Do.	Bheeloogywon	2
Do.	Do.	Amherst	5
Do.	Do.	Yea Lamaing	5
Do.	Do.	Gyaing Salween	0
Do.	Do.	Gyaing Attaran	0
Do.	Do.	Hlinebway	0
Do.	Do.	Houndraw	5
Do.	Do.	Martaban	4
Do.	Do.	Thatone	0
Do.	Do.	Hpagat	0
		TOTAL.	23

Arbitration when a case has once come into Court is very sparingly resorted to as the parties can seldom agree about the arbitrators. Each party wishing to name a partisan of his own. In all the cases referred to arbitration the awards of the arbitrators were confirmed. There were no cases in which awards made without the intervention of a Court were filed in Court under Section 327 of the Civil Procedure Code. There is some doubt as to what constitutes "sufficient cause" against the filing of such an award within the meaning of the last sentence of the above mentioned Section. It can hardly be intended that Section 324 shall apply to awards filed under this section.

NUMBER OF SUITS DISPOSED OF, COLUMNS 10 TO 18.

14. The following is a comparative statement of the number of Cases of all descriptions disposed of during the last two years.

	1867	1868	Increase	Decrease
Appeals	76	139	63	...
Original Suits	906	973	67	...
Miscellaneous Suits ...	851	875	24	...
Total...	1833	1987	154	...

This shows a very large increase in the amount of appellate work performed, and a moderate increase in original and miscellaneous cases.

CLASSIFICATION OF SUITS, RETURN No. 2.

15. The following is a comparative statement of the number of suits (appellate and original) connected with immoveable and moveable property during the last two years.

APPEALS.

	1867.	1868.	Increase.	Decrease.
Connected with immoveable property.	27	39	12	...
Not connected with immoveable property.	70	75	5	...
TOTAL.	97	114	17	...

ORIGINAL SUITS.

	1867.	1868.	Increase.	Decrease.
Connected with immoveable property.	169	125	...	44
Not connected with immoveable property.	696	862	166	...
TOTAL.	865	987	166	44

From this it appears though the number of original Suits connected with immoveable property has decreased the Appeals in such cases have increased. Whilst in cases unconnected with immoveable the Appeals have not increased in proportion with the original cases.

The following table shows the number of Suits connected with immoveable property in each of the Courts of the Extra Assistant Commissioner during the past year.

Extra Assistant Commissioner,	3rd Class,	Zeah	27
Do.	Do.	Bheeloogywon	21
Do.	Do.	Amherst	4
Do.	Do.	Gyaing Salween	6
Do.	Do.	Gyaing Attaran	13
Do.	Do.	Houndraw	1
Do.	Do.	Yea Lamaing	7
Do.	Do.	Hlinebway	15
Do.	Do.	Martaban	11
Do.	Do.	Thatone	4
Do.	Do.	Hpagat	4

These figures generally furnish a good index to the relative value of land in the different townships. The Hlinebway Township however is an exception, as land there has little value and yet the proportion of suits for immoveable property is very large.

DETAIL OF SUITS DISPOSED OF, RETURN No. 3, APPEALS.

16. The following is a comparative Statement of the manner in which Appellate suits were disposed of during the past two years.

	1867	1868	Increase	Decrease
Rejected	12	20	8	...
In favor of Appellant	30	67	37	...
In favor of Respondent	27	45	18	...
Decreed Ex-parte	3	...	...	3
Compromised	...	2	2	...
Withdrawn or disposed of in default	4	5	1	...
TOTAL.....	76	139	66	3

The rejected cases are those in which the appeal was dismissed on perusal of the petition of appeal and the proceedings of the Lower Court without calling the respondent. The number of such cases has increased from 12 in 1867 to 20 in 1868. The number of cases under the next head i. e. cases decided in favor of the Appellant in which the decision of the lower was reversed modified or amended shows a result unfavorable to the lower Courts during the past year. In 1867 30 cases out of 76 or 39 per cent were decided in favor of Appellant, whilst in 1868, 67 cases out of 139 or 41 per cent were so decided. Out of the 67 cases decided in 1868 in favor of Appellant in 15 cases the decisions of the lower court were modified and in 14 cases amended, leaving a balance of 30 cases only in which the decision of the lower courts were absolutely reversed; among these 30 cases in which the lower courts decisions were absolutely reversed, there were 16 cases in which the lower courts were found to have disposed of the cases on preliminary points and which were therefore remanded for new trial, under Section 351 of the Civil Procedure Code. In 12 cases it was found necessary to send the cases back to the lower court for re-trial and ultimate decision by the Appellate court under Section 354 Civil Procedure Code on account of the lower Court having omitted to raise the necessary issues.

NUMBER OF APPEALS FROM THE DIFFERENT COURTS.

17. Of the Appeals disposed of 6 were from the Court of the Assistant Commissioner Maulmain (Mr. Barr). Among these the decisions of the Assistant Commissioner's Court were con-

firmed in 3 cases and in 3 cases reversed or modified. In one of the reversed cases however the decision of the Deputy Commissioner's Appellate Court was afterwards reversed on 2nd Appeal and the decision of the Assistant Commissioner's Court therefore affirmed. There have been no appeals from the decisions of the Court of the Assistant Commissioner, Thatone (Mr. Forbes) during the year. Nor were there any appeals from the decisions of the Court of the Extra Assistant Commissioner, 1st Class (Moung Byaw). This Court however decided only six cases—two of which were compromised, two decided ex-parte and two on confession, so that none of the decisions could be appealed against. One disputed case, instituted in his Court he requested might be transferred to another Court as being too difficult for him to decide.

The following table shows the proportion of Appeals and their disposal to the number of Cases decided by each of the Courts of the Extra Assistant Commissioners 3rd Class.

Township.	Name of Myo Oke.	Cases disposed of during the year.	Appeals preferred during the year.	Number of cases in which judgment was confirmed including rejected and withdrawn cases.	Number of cases in which judgment was reversed, modified or amended.	Pending.	Proportion of reversals to cases decided.
Zeah	Moung Shwè Ey	195	34	16	18	3	9 ℘ cent
Bhecloogywon ...	Moung Poh	166	29	14	15	0	9 do
Martaban ...	Moung Chaik & Mg. Tsoung	91	9	4	5	0	0
Amherst ...	Moung Doot	90	7	2	5	0	5 do
Gyaing Salween	Moung Shwè Ngoung ...	72	5	4	1	0	1 do
Thatone ...	Moung Htoon Gyaw ...	88	4	3	1	0	1 do
Gyaing Attaran..	Moung Tsat	61	9	1	8	0	13 do
Houndraw ...	Moung Hmoang	61	0	0	0	0	0
Yea Lamaing ...	Moung Pai Hlaw	60	3	1	2	0	2 do
Hlinebway ...	Moung Oh	37	3	2	1	0	½ do
Hpagat ...	Moung Ee	23	5	2	3	0	13 do
	Total ...	944	108	49	59	3	

The number and result of appeals however is not an infallible criterion of the merits of Judicial Officers. For in-

stance Moung Tsat who stands out so badly in this List is nfinitely superior as a judicial officer to Moung Ee, Moung Htoon Gyan and others who have a smaller proportion of reversals against their names.

ORIGINAL SUITS.

18. The following table shows the manner in which original suits have been disposed of during the past two years.

	1867	1868	Increase.	Decrease.
Rejected	15	9	0	6
In favor of Plaintiff...	465	482	17	0
In favor of Defendant	184	213	19	0
Decreed Ex-parte	32	24	0	8
Compromised	53	86	33	0
Withdrawn or struck off in default ...	140	155	15	0
Transferred	7	4	0	3
Total	906	973	84	17

There has been a considerable increase in the number of ases compromised. The increase and decrease under the ther heads calls for no particular remark.

VERAGE DURATION OF CASES RETURN NO. 4 COLUMNS 3 AND 4 APPEALS.

19. At the commencement of 1868 there were, as noticed in the report for 1867, some cases of very old standing on the pending file. The oldest case had een pending for 19 months. All such cases were cleared off arly in the year and the oldest case pending at the close of he year had been on the file for 10 days only. The average uration of cases also has been reduced from 2 months and 19 ays to 8 days only. Considering the great distance of some f the Courts from the Head Quarter Station and the length f time that the Deputy Commissioner is required to be away n the interior of the district the average duration of cases as now been reduced probably to its lowest possible limit.

RIGINAL CASES.

20. The one case on the Deputy Commissioner's File lasted for 2 months and 19 days. In the Court of the Assistant Commissioner of Maulmain the average duration of cases has been educed from 12 days in 1867 to 7 days in 1868. In the Court

of the Assistant Commissioner, Thatone, the average has increased from 12 days in 1867 to 29 days in 1868. Mr. Forbes attributes the increased duration of cases in his Court to his absence at Shwè-Gyeen in January and February, and also to the constant postponements applied for by Pleaders. There is no doubt that the duration of cases in all the Courts in this District would be much shorter, were it not for the numerous applications for postponements presented by the parties themselves or their pleaders.

The following statement shows the average duration of cases in each of the Extra Assistant Commissioner's Courts during the past year.

				M.	D.
Extra Assistant Commissioner,	1st Class,		Kankareit	...	...
Do.	Do.	3rd Class,	Zeah	...	23
Do.	Do.	Do.	Bheeloogywon	...	3
Do.	Do.	Do.	Amherst	...	25
Do.	Do.	Do.	Yea Lamaing	...	12
Do.	Do.	Do.	Gyaing Attaran	...	12
Do.	Do.	Do.	Gyaing Salween	...	25
Do.	Do.	Do.	Hlinebway	...	7
Do.	Do.	Do.	Houndraw	...	11
Do.	Do.	Do.	Martaban	...	12
Do.	Do.	Do.	Hpagat	...	5
Do.	Do.	Do.	Thatone	...	6

21. The following is a comparative statement of the value of suits of different kinds instituted during the past two years.

VALUE OF SUITS RETURN No. 4 COLUMN 5.

	1867.	1868.
	Rs.	Rs.
Appeals.	10,858	20,620
Original Suits.	63,129	70,808
Miscellaneous Suits.	2,350	5,743
TOTAL.... ...	76,337	91,171

And the following are the corresponding amounts of stamp papers filed.

		1867.	1868.	Increase.	Decrease.
Appeals.	Rs.	932	1,228	296	...
Original Suits.	Rs.	6,949	6,833	...	116
Miscellaneous Suits.	Rs.	688	379	...	309
TOTAL.	Rs.	8,569	8,440	296	425

There are some apparent discrepancies in the above two statements which require explanation. The value of appeals has increased from Rupees 10,858 in 1867 to Rupees 20,620 in 1868, but the stamp duty has only increased from Rupees 932 in 1867 to Rupees 1,228 in 1868. This arises from appeals *in forma pauperis* to the value of Rupees 8,925 having been instituted in 1868. In original suits it will be seen from the return that the increase in the value of the suits is entirely in the court of the Assistant Commissioner, Maulmain. In that court the value of suits has risen from Rupees 2,788 in 1867 to Rupees 12,770 in 1868, but the value of the stamps filed in 1868 amounted to Rupees 729 only. This also is owing to suits *in forma pauperis* to the value of Rupees 8,925 having been instituted. In the court of the Assistant Commissioner, Thatone, there has been a slight decrease in the value of suits instituted and stamps filed. In the courts of the Extra Assistant Commissioners the value of suits instituted has decreased from Rupees 55,240 in 1867 to Rupees 53,752 in 1868. There is no doubt that this falling off is caused by the enhanced rate of stamp duty imposed by Act XXIV of 1867. As the rate of stamp duty on all cases instituted in the courts of Extra Assistant Commissioners is about 10 per cent on the value of the suit—the stamp duty on plaints to the amount of Rupees 53,752 would be Rupees 5,375 ; the difference between that sum and the value of the stamps filed, or Rupees 369, represents the value of the stamps filed on papers other than plaints. With regard to such papers the new Stamp Act has diminished the amount of stamp duty imposed. Formerly they required a stamp of eight annas, now they can be filed on a one anna stamp.

VALUE OF MISCELLANEOUS SUITS.

22. The figures in the returns showing the value of Miscellaneous Suits are not it is feared very valuable, as no general rule has been issued regarding the manner in which the value of such suits should be calculated and each Court has consequently been allowed to follow the rule which it has always adopted. In letter No. 89 dated 18th November, 1868 to the address of the Commissioner, the Deputy Commissioner suggested that the execution of decree cases the amount sought to be recovered should be entered as the value of the suit; i. e. that if a person applied for execution of a decree to the amount of Rupees 100 that sum viz Rupees 100 should be taken to be the value of the suit. This letter was finally answered by Assistant Secretary to the Chief Commissioner, Home Department, Proceeding No. 599-5, dated 5th February, received 13th February 1869. It is therein laid down that the principle on which the valuation of these suits should be calculated is to include only such amounts as have not already appeared in other returns, i. e. the actual expenses in the case. For instance, in an application for execution of a decree to the amount of Rupees 100 the value of the stamp on the petition and the costs of the application are to be entered as the value of the suit. This order was received too late to be applied to the valuation of Miscellaneous Suits in the present returns.

TOTAL COSTS, RETURN NO. 4, COLUMN 7.

23. The following is a comparative statement of the total amount of costs inclusive of stamps during the last two years.

	1867.	1868.	Increase.
Appeals ... ...Rs...	1,127	1,639	512
Original Suits ... ...Rs...	9,763	12,995	3,232
Miscellaneous Suits ... ...Rs...	1,306	1,740	434
Total.....	12,196	16,374	4,178

A portion of this increase is due to the increase in the stamp duty, but the other costs also have increased considerably. It has not yet been discovered that the costs in any of the

lower courts during the past year were larger than they ought to have been. Parties generally incur more costs than are necessary by their ignorance and by the ignorance of their Pleaders and Judges of the simplest rules of evidence. The number of Witnesses is generally considered to be of more inportance than the quality of their evidence. The following table gives the total value of suits, stamps and costs in each of the Extra Assistant Commissioners' Courts during the past year.

Total value of suits, stamps and fees in each Court in 1868.

Court.		Value of suits instituted.			Value of stamps filed.			Total costs.		
Extra Asst. Commr.	Kaukareit	1,586	...	...	159	...	...	204	8	...
do.	Beeloogywon ...	7,392	...	...	880	10	...	2,400	5	8
do.	Zeah	10,482	4	4	955	1	...	2,615	4	...
do.	Yea	2,421	8	...	290	1	...	555	12	...
do.	Amherst	6,173	9	2	472	4	...	807	9	...
do.	Gyaing Salween .	6,186	15	...	656	11	...	1,084	1	...
do.	Hlinebway do	2,830	6	...	306	8	...	595	4	...
do.	Houndraw ...	5,290	15	...	587	14	...	829	3	...
do.	Gyaing Attaran .	4,087	13	6	413	8	...	434	12	...
do.	Thatone	2,984	1	2	314	8	...	516	10	...
do.	Hpagat	705	2	...	78	8	...	232	8	...
do.	Martaban	3,610	9	6	628	8	..	751	8	6
	Total... ...	53,752	3	8	5,744	1	...	11,027	5	9

DEFICIENT STAMP DUTY AND PENALTY LEVIED.

24. The amount of deficient stamp duty and penalty on documents levied by Civil Courts under the provisions of Section 17 Act X of 1862 during the year amounted to Rs. 81 only. This was levied in Courts situated at a distance from Maulmain. It appears to be the custom for parties wishing to present such documents in any court within a moderate distance of Maulmain to come to the Treasury and get such documents stamped by the stamping machine.

REGISTRATION OF DEEDS.

25. Previous to 1868 there was only one office for Registration of deeds in this District. This was kept by the Assistant Com-

missioner, Maulmain. The following is a comparative statement of the deeds registered in this office during the past two years.

	1867	1868
Registry of Wills	2	3
General Register	73	113
Temporary Conveyance Register	61	15
Permanent Do.	299	346
Total.....	435	477

During the year Registry Offices were established in the Courts of the Assistant Commissioners at Thatone and Amherst. The following is the number of deeds registered in these Offices up to the end of the year.

	Thatone	Amherst
Registry of Wills	...	...
General Register	...	...
Temporary Conveyance Register	...	...
Permanent Do.	...	...
Total	...	...

Regarding the absence of registered documents at Thatone, Mr. Forbes remarks as follows:—

" A number of Copies of a few plain hints of the use and " effects of registration were distributed by me, and I explain- " ed the same personally to all officials and well to do persons " I could, but the bonds executed by the people here being " generally little more than a kind of promissory notes for " small sums, they seem to think paying Rs. 2 for registration " throwing money away. As they say they can take as good " care of the original as the Court can and dont require a " duplicate."

SUITS TO WHICH GOVERNMENT WAS A PARTY.

26 There were no suits during 1868 in the Courts of this District to which Government was a party.

REGISTERS AND RECORDS OF SUBORDINATES COURTS.

27. The Registers and Records of the Extra Assistant Commissioners' Courts are kept in conformity with the rules laid down by the Commissioner of the Division in 1867 (Miscellaneous Pro-

ceeding No. 122 dated 12th November 1867). All the Courts of the Extra Assistant Commissioners have been inspected during the year at least once, some twice, by the Deputy Commissioner, with the exception of those at Kaukareit and Attaran. Twice the Deputy Commissioner has been on the point of starting for Kaukareit and on both occasions he was stopped in consequence of orders from the Commissioner. The result of the Deputy Commissioner's inspection of the lower courts is embodied in a return drawn up in conformity with directions conveyed in which return is attached to this report. It gives a somewhat unfavorable view of the business—like habits of the officers of the lower courts. The Deputy Commissioner has prepared a revised and complete Lists of Registers &c., to be kept up, and returns to be submitted by Extra Assistant Commissioners 3rd Class, with full instructions regarding the manner in which the work should be done.

DEPUTY COMMISSIONER'S OFFICE.

28. The Books, Gazettes &c., forming the library of the Deputy Commissioner's Office have been collected, put in order and arranged, for the first time, during the past year. The commencement of a similar work with regard to the records has been made but the Deputy Commissioner has not yet had time to complete it.

REMARKS ON OFFICERS.

29. The following officers have presided over Civil Courts in this District during the past year. Deputy Commissioner, Captain Horace A. Browne, the whole year.—Assistant Commissioner, Maulmain, G. E. Barr Esquire, the whole year. Assistant Commissioner, Thatone, C. J. F. S. Forbes Esquire the whole —Assistant Commissioner, Amherst, Captain G. E. Fryer, since the 22nd September 1868. Extra Assistant Commissioner, 1st Class, Kaukareit, Moung Byaw, the whole year. —Extra Assistant Commissioner, 3rd Class, Zeah, Moung Shwè Ey, the whole year. Bheeloogywon, Moung Bho from 1st January to 24th December 1868, removed to Shwè Gyeen. Moung Hlaw, from 24th December to 31st December 1868. Amherst, Moung Dwot, the whole year. Yea Lamaing, Moung Pai Hlaw the whole year. Gyaing Attaran, Moung Tsat ,the whole year. Gyaing Salween, Moung Shwè Gwoon, the whole year. Hlinebway Moung Oh the whole year. Houndraw, Moung Shwè Hmoon,

the whole year. Martaban, Moung Khyeik, from 1st January to 27th October 1868 suspended, Moung Naw from 27th October to 3rd November 1868. Moung Tshoung from 3rd November to 31st December 1868. Hpagat, Moung Ee the whole year. Thatone, Moung Htoon Gyaw the whole year. The following remarks on the qualifications of the subordinate officers are submitted.

Messrs. Barr and Forbes are both excellent Judicial officers. Mr. Barr is most precise and careful and has great experience, Captain Fryer as already noticed has had no Civil Judicial work, in consequence of not having been invested with minor powers. Extra Assistant Commissioner 1st Class—Moung Byàw is unused to Judicial work and too old to learn. Moung Shwè Ey is the hardest worked of the Extra Assistant Commissioners, 3rd Class. He attempts to do substantial justice but generally in a very blundering manner, as remarked before, he is nearly past work. He cannot write the records of his cases himself.

Moung Bho is a young Officer, he is attentive and will probably improve; his hand writing is almost illegible and his Appeal cases consequently gave much trouble to the Deputy Commissioner.

Moung Dwot is extremely dilatory and inefficient. Moung Pai Hlaw is a very intelligent man. Moung Ee is quite past Judicial work, if he ever was capable of doing any properly. He has been recommended for a pension. Moung Khyeik had intelligence but was dilatory as well as arbitrary and unjust, and was suspended in October 1868. His officiating successor, Moung Tshoung, has been working very well and seems likely to make a good Judicial Officer. Moung Htoon Gyaw, a Toungthoo who was appointed to succeed his father Moung Goon Bau in 1867 appears willing to learn, but his abilities are certainly of a low order. The other Extra Assistant Commissioners have discharged their duties to the best of their abilities. For Judicial work as transacted in our Courts none of them shew any special aptitude. The Codes and Acts which have been piled upon them will never be properly administered by the present generation. No Myo Oke or Native pleader has had any education beyond what he received in a Budhist Monastery in his boyhood, and this falls short of what is required to enable him to comprehend a for-

eign system of legal procedure. Many display laudable diligence in learning the Codes by heart and can repeat them from memory as they do their Pali prayers i. e. without knowing the meaning of the words they utter. Some of them are reputed among their countrymen to be learned in "*law*" but of course not acquainted with "Acts" which no native of Burma can be expected to understand. This difficulty is intensified by the incorrectness and in some instances the unintelligibility of the translations of the Acts supplied. Abbreviated editions of the Codes and Acts containing only what is absolutely, necessary for a fair administration of Justice in Myo Okes Courts, expressed in simple language, and accompanied by explanatory notes, are much required.

No. 1.

STATEMENT of Suits of every description instituted, disposed of, and pending before all the Courts, European and Native in the Amherst District during the year 1868.

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.
	No. of suits pending at the close of year 1867.				No. of Cases instituted during year 1868.				No. of Cases disposed of during year 1868.				No. Cases pending at the close of year 1868.			
	Appeals.	Original Suits.	Miscellaneous Suits.	Total.	Appeal.	Original Suits.	Miscellaneous Suits.	Total.	Appeals.	Original Suits.	Miscellaneous Suits.	Total.	Appeals.	Original Suits.	Miscellaneous Suits.	Total.
Deputy Commissioner's Court	28	...	1	29	114	1	445	560	139	1	443	583	3	...	3	6
Assistant Commissioner, Maulmain ...	...	...	...	...	...	12	25	37	...	10	23	33	...	2	2	4
Assistant Commissioner, Thatone	...	8	...	8	...	5	5	10	...	12	5	17	...	1	...	1
Assistant Commissioner, Amherst... ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Extra Assistant Commissioners	...	56	16	72	...	970	427	1,397	...	950	404	1,354	...	76	39	115
Total...	28	64	17	109	114	988	902	2,004	139	973	875	1,987	3	79	44	126

DEPUTY COMMISSIONER'S COURT
MAULMAIN,
The 29th January 1869.

HORACE A. BROWNE,
Deputy Commissioner,
Amherst District.

No. 2.

CLASSIFICATION of Appeals and Original Suits Instituted before all the Courts in the District of Amherst during the year 1868, *as per columns* 6 *and* 7 *of Statement No.* 1.

	Appeals.		Original.			
	Before Deputy Commissioner.	Total.	Deputy Commissioner.	Extra Assistant Commissioner.	Assistant Commissioner.	Total.
I.—Suits connected with immoveable property.						
1. House,	11	11	...	22	1	23
2. Land,	22	22	...	65	1	66
3. Mortgages,	...	...	...	5	...	5
4. Fisheries,	1	1	...	2	...	2
5. Inheritance,	1	1	...	3	...	3
6. Other cases,	4	4	...	29	...	29
II.—Suits not connected with immoveable property.						
1. Debt,	15	15	...	324	5	329
2. Damages, for breach of contract, or loss or injury to property,	11	11	...	74	1	75
3. Damages, for personal injuries and wrong...	2	2	...	12	...	12
4. Marriage or Divorce,	3	3	...	24	...	24
5. Inheritance,	2	2	...	4	2	6
6. Other cases,	42	42	1	409	7	417
Total...	114	114	1	970	17	988

HORACE A. BROWNE, *Deputy Commissioner, Amherst District.*

No. 3.

DETAIL of Suits disposed of by all Courts in the District of Amherst for the year 1868, *as per Columns* 10 *to* 13 *of Statement No.* 1.

Description of Cases.		Rejected.	Decided on trial.		Decree Ex-parte	Compromised.	Withdrawn or dismissed in default.	Transferred.	Total.
			In favor of Appellant or Plaintiff.	In favor of Respondent or Defendant.					
Appeals.	Deputy Commissioner's Court	20	67	45	0	2	5	0	139
	Total ...	20	67	45	0	2	5	0	139
Original.	Deputy Commissioner's Court	0	0	1	0	0	0	0	1
	Assistant Commissioner, Maulmain	0	3	7	0	0	0	0	10
	Assistant Commissioner, Thatone	0	6	2	1	0	3	0	12
	Extra Assistant Commissioner, A. D. ...	9	472	204	23	86	152	4	950
	Total ...	9	481	214	24	86	155	4	973
Miscellaneous.	Deputy Commissioner's Court	59	358	13	0	1	1	11	443
	Assistant Commissioner, Maulmain	1	7	2	0	0	0	13	23
	Assistant Commissioner, Thatone	0	5	0	0	0	0	0	5
	Extra Assistant Commissioner's A. D. ...	58	213	59	16	28	28	2	404
	Total ...	118	583	74	16	29	29	26	875

H. A. BROWNE,
Deputy Commissioner, Amherst District.

No. 4.

SUPPLEMENTARY Civil Return of the District of Amherst for the year 1868.

1	2	3		4		5			6			7		
Description of Suits.		Longest period any case on the file at the close of this year has been pending.		Average duration of suits disposed of during this year.		Total account of value of suits instituted during the year.			Value of Stamp on law papers filed during the this year.			Costs of every description inclusive of stamps and pleaders fees incurred by parties in suits disposed of during the year.		
		Months.	Days.	Months.	Days.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
Appeals.	Deputy Commissioner.....	.....	10	.....	8	20,620	7	9	1,228	15	...	1,639	6	7
		.....	.....	.....	.....	20,620	7	9	1228	15	...	1,639	6	7
Original.	Deputy Commissioner.....	.....	.....	2	19	2,905	.....	.....	216	1	...	312	.....	.....
	Assistant Commissioner, Maulmain...	1	3	.....	7	22,770	.....	.....	729	10	...	1,287	11	...
	Assistant Commissioner, Thatone.....	5	29	.....	29	1,381	.....	.....	43	4	...	368	.....	.....
	Extra Assistant Commissioner, Amherst District	17	24	.....	25	53,752	3	8	5,744	1	...	11,027	5	9
		.....	.....	.....	.....	70,808	3	8	6,833	.....	.....	12,995	...	9
Miscellaneous.	Deputy Commissioner	1	7	.....	6	250	.....	.....	216	10	...	242	4	...
	Assistant Commissioner Maulmain...	1	17	.....	3	.....	.....	.....	14	.....	.....	14	.....	.....
	Assistant Commissioner Thatone.....	.....	10	.....	4	150	1	...	3	.....	.....	4	.....	.....
	Extra Assistant Commissioner Amherst District	4	27	.....	15	5,343	12	...	379	5	...	1,479	12	3
		.....	.....	.....	.....	5,743	13	...	693	9	...	1,740	...	3

REPORT.

OF THE

DISTRICT MAGISTRATE OF SHWE-GYEEN

For 1868.

—oo—

From Captain C. E. Watson, Deputy Commissioner Shwè-Gyeen District, to e Commissioner of Tenasserim Division, Maulmain, No. 18, dated Pahpoon 20th February 1869.

I have the honor to submit Report on the Administration of Civil Justice in the Shwè Gyeen District for the year 1868.

2. The following was the state of the file on the 1st of January 1868 and 1869.

	1868.	1869.
1 Deputy Commissioner A. District.	12	10
2 Assistant Commissioners.	4	2
1 Tseetkay or Extra Assistant Commissioner 2nd, Class.	...	...
5 Extra Assistant Commissioners.	11	2
	27	14

showing in the number of pending on the 1st January 1869 a decrease of 13 cases.

3. The subjoined is a Statement of Suits and Appeals instituted during 1867 and 1868 which shows an increase of 98 Suits and Appeals over that of 1867.

	1867.	1868.
1 Deputy Commissioner.	88	107
2 Assistant Commissioner, 3rd Class...	50	18
1 Extra Assistant Commissioner 2nd Class or Tseetkay.	330	305
5 Do. do. do. Myookes.	522	658
	990	1,088

4. The following is a Statement of the number of Suits and Appeals finally disposed of and decided on trial. Showing an increase of 108 cases over that of 1867.

	1867.		1868.	
	Decided on trial.	Finally disposed of.	Decided on trial.	Finally disposed of.
1 Deputy Commissioner.	81	...	109	...
2 Assistant Commissioners, 3rd Grade.	46	...	20	...
1 Extra Assistant Commissioner, 2nd Class or Tseetkay. ...	337	...	305	...
5 Do. do. do. Myookes. ...	529	...	667	...
	993	...	1,101	...
	Increase.		108	...

At the end of the year 1868 there were no cases pending over a year in this District.

5. The following was the state of the Miscellaneous file on the 1st January 1868-1869.

	1868	1869.
1 Deputy Commissioner.	...	...
2 Assistant Commissioners.	...	2
1 Extra Assistant Commissioner, 2nd Class or Tseetkay.	...	...
5 Do. do. 3rd Class or Myookes.	...	1
	...	3

6. The number of Miscellaneous cases instituted and disposed of in 1867 and 1868 is shown below. There being an increase of 52 cases instituted and 46 cases decided over that of 1867.

			Instituted.	Disposed of.	Pending above one year.
1	Deputy Commissioner....	1867.	4	4	...
2	Assistant Commissioners, 3rd Grade....		16	16	...
1	Extra Assistant Commissioner, 2nd Class or Tseetkay. ...		51	51	...
5	Do. do. 3rd Class or Myookes. ...		115	118	...
	Total...		186	189	...
1	Deputy Commissioner....	1868.	18	18	...
2	Assistant Commissioner 3rd Grade.		12	10	2
1	Extra Assistant Commissioner 2nd Class or Tseetkay. ...		19	19	...
5	Do. do. 3rd Class or Myookes. ...		189	188	1
	Total...		238	235	3
			52	46	...

7. The number and the result of Appeals from decision of the Assistant Commissioners and Extra Assistant Commissioners, Shwè-Gyeen District, are exhibited below which shows an increase of 20 Appeals instituted above those of 1867:—

	Pending at end of 1867.	Preferred in 1868.	Total.	Confirmed.	Reversed.	Modified.	Rejected.	Withdrawn or disposed of in default.	Remanded.
Assistant Commissioner	1	1	2	1	...	...	1	...	...
Ex. Asst. Comr. 2nd or Tseetkay ...	1	28	29	14	9	...	1	...	2
Do. 3rd Class or Myo Okes...	10	77	87	41	28	2	3	2	4
Total...	12	106	118	56	37	2	5	2	6

8. The subjoined Statement shows the total number of cases disposed of by each Extra Assistant Commissioner 3rd class or Myo-Oke, and the number of Appeals preferred against their decisions, and the result of Appeals:—

	Instituted in 1868.	Disposed of in 1868.	Total disposed of	Appeals.							
				Preferred in 1868.	Compromised.	Remanded.	Rejected.	Reversed.	Confirmed.	Disposed in default.	Modified.
Moung Hwat	163	173	173	27	...	...	...	14	13	...	...
„ Welglay	251	252	252	21	...	1	2	8	17	...	2
„ Shwè Bwen	79	77	77	12	2	1	1	...	8	...	...
„ Tau	135	135	135	17	...	2	...	6	3	...	...
„ Kya Nyeo	30	30	30	...	...	...	...	...	...	...	...
	658	667	667	77	2	4	3	28	41	...	2

9. The following Statement shows the value of Suits instituted, decided and pending at the close of the year 1868:—

	Total value of suits instituted in 1868.			Total value of suits decided in 1868.			Total value of suits pending.		
1. Deputy Commissioner ...	11,894	4	...	9,855	4	...	2,039	...	...
2. Assistant Commissioners, 3rd Grade ...	4,562	5	10	3,367	5	10	1,195	...	...
1. Extra Assistant Commr., 2nd Class or Tseetkay...	15,950	1	7	15,950	1	7	.....	...	...
5. do 3rd Class or Myo-Okes...	35,592	...	7	35,142	...	7	450	...	...
	67,998	12	...	64,314	12	...	3,684	...	...

10. The number of Suits in a supposed population of 128,433 souls will be in propotion as 1 to 131 inhabitants.

11. The total amount of litigation within the year 1868 was estimated at Rs. 72,888-2.

12. The average duration of Suits was 7 days in Appeals and 5 in Regular Suits.

13. The large increase in the number of Appeals is attributable to the fact that at the commencement of the

year it was found necessary by the new Judge to reverse a few decisions of the Lower Courts. This doubtless gave slight encouragement to the losers of Suits in the Lower Courts.

The Appeal cases pending at the close of the year were such that could not have been disposed of sooner, as the records in these cases were not received till after the commencement of the new year. 106 Appeals or 20 more than the previous year were instituted, 96 of these together with 12 remaining over from the previous year were disposed of with the following result:—

Confirmed, rejected or withdrawn - -	58½ per cent.
Reversed or modified - - - - -	36 do.
Remanded - - - - - - -	5½ do.

The percentage of Appeals to Suits instituted was 11 per cent.

14. The value of Stamps filed in Civil Suits in the various Courts of the District during the past 2 years was as follows :—

	Stamps.		Rupees.
1867 - -	Rs. 7,050	Value of Suit -	71,346
1868 - -	„ 7,110	Do. do. - -	67,998

showing an increase of Rs. 54 in Stamps notwithstanding a decrease of Rs. 3,348 in the value of Suits instituted.

The number of Suits during the same periods were 990 and 1,088, but as the new Stamp Act was not in full force in this District till July 1867 a comparison of the value of Suits instituted during the first halves of the 2 years under review is shown:—

	Stamps.		Rupees.
From January to July 1867	Rs. 3,259	Value of Suit -	41,441
Do. do. 1868	„ 3,461	Do. do. -	40,353

The number of Suits being 545 and 602 or an increase of 57 Suits. It is believed that no special circumstances have occurred in this District, irrespective of the alteration of Stamp duty, that would operate in varying the numbers of Suits instituted. It may therefore be inferred that the increased rates of Stamp duty have little effect in lessening litigation ; at the same time it is considered that the Stamp duty levied on Suits up to Rs. 500 in value is excessive, and presses severely on the poorer classes.

15. The number of Suits withdrawn or compromised amounts to 285 being 26 per cent of the number instituted a high average which tends to show that as a rule the Natives of this country are not prone to support a bad defence by means of false evidence. The saving of costs and the re-fund of Stamp duty is of course the great inducement to the compromise of Civil Suits.

16. The extent to which the Courts are resorted to for the execution of Decrees is no criterion of the usefulness of the Courts in enforcing the payment of just debts

The loser of a Suit if he has the means almost invariably pays the money into Court, or settles with the Decree holder in some other way. The average of the number of executions to the number of Decrees passed is only 17 per cent.

17. Imprisonment for debt is very rare in this District. This is proved by the fact that throughout the year only 12 persons have been confined in the Civil Gaol for an average period of 3 days each.

The people are apparently not much inclined to pay for the support of their debtors in Gaol unless actuated by some other motive than that of enforcing the payment of a debt. They prefer waiting till the debtor may be in a position to pay them. Steps are very seldom taken to keep a decree alive, consequently many Decree holders are debarred from recovering their money by the lapse of time.

18. Of 982 Civil Suits instituted in 1868, 56 cases, or 6 per cent were decided by arbitration of the elders of the respective towns, where the different Courts are situated, and none of their decisions have been set aside either in Appeal or by the Courts of original jurisdiction—their (the arbitrators) services are however availed of only in cases of inheritance or settlement of accounts and other intricate cases.

The increase of cases referred to Arbitrators is only 7 over that of 1867.

19. There were only 5 Registrations of Deeds throughout the year.

No. 1

STATEMENT of Suits of every description instituted, disposed of and pending before all the Courts, European and Native, in the district of Shwé-Gyeen during the year 1868.

1		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
		No. of Suits pending at the close of the year 1867.				No of Cases instituted during 1868.				No. of Cases disposed of during 1868.				No. of Cases pending at the close of 1868.			
		Appeals.	Original Suits.	Miscellaneous Cases.	Total.	Appeals.	Original Suits.	Miscellaneous Cases.	Total.	Appeals.	Original Suits.	Miscellaneous Cases.	Total.	Appeals.	Original Suits.	Miscellaneous Cases.	Total.
1	Deputy Commissioners Court	12	...	...	12	106	1	18	125	108	1	18	127	10	...	...	10
2	Assistant Commissioners Courts	...	4	...	4	...	18	12	30	...	20	10	30	...	2	2	4
1	Tseetkay's Court	...	...	...	...	...	305	19	324	...	305	19	324	...	...	...	...
5	Myookes	...	11	...	11	...	658	189	847	...	667	188	855	...	2	1	3
	TOTAL	12	15	...	27	106	982	238	1,326	108	993	235	1,336	10	4	3	17

No. 2.

CLASSIFICATION of Appeals and Original suits instituted before all the Courts in the District of Shwè-Gyeen during the year 1868 as per columns 6 and 7 of Statement No. 1.

		Appeals.			Original.				
		Before Deputy Commissioner.	Before Tseetkay.	Total.	Deputy Commissioner.	Assistant Commissioners.	Tseetkay.	Myookes.	Total.
I. Suits connected with Immoveable Property.									
1	Houses	...	...	...	...	...	9	5	14
2	Land	17	...	17	...	4	5	37	46
3	Mortgages	...	...	...	...	...	5	11	16
4	Fisheries	...	...	...	...	...	...	2	2
5	Inheritance	1	...	1	...	...	15	1	6
6	Other Cases	...	...	...	...	...	18	12	30
II. Suits not connected with Immoveable Property.									
1	Debt	50	...	50	1	7	251	374	633
2	Damages, for Breach of contract, or loss or injury to property	15	...	15	...	4	...	38	42
3	Damages for Personal injuries and Wrongs ...	...	...	...	...	...	1	11	12
4	Marriage or Divorce	1	...	1	...	...	11	16	27
5	Inheritance	2	...	2	...	3	...	6	9
6	Other Cases	20	...	20	...	...	...	145	145
	Total ...	106	...	106	1	18	305	658	982

No. 3.

DETAIL of Suits disposed of by all the Courts in the District of Shwè-Gyeen during the year 1868 as per columns 10 to 13 of Statement No. 1.

Description of Cases.		Rejected.	Decided on trial.		Decreed Ex-parte.	Compromised.	Withdrawn or disposed of in default.	Remanded.	Totals
			In favor of Appellant or Plaintiff.	In favor of Respondent or Defendant.					
Appeals.	Deputy Commissioner's Court.	5	39	56	...	...	2	6	108
	Total.	5	39	56	...	...	2	6	108
Original.	1 Deputy Commissioner's Court.	...	1	...	...	...	...	...	1
	2 Asst. Commissioners Court.	...	13	3	...	3	1	...	20
	1 Tseetkay's do.	...	165	53	...	39	48	...	305
	5 Myookes do.	22	325	98	30	115	77	...	667
	Total...	22	504	154	30	157	126	...	993
Miscellaneous.	1 Deputy Commissioner's Court.	4	12	2	...	...	...	...	18
	2 Asst. Commissioners do.	...	8	...	...	2	...	...	10
	1 - Tseetkay's do.	...	6	4	...	4	5	...	19
	5 - Myookes do.	2	114	37	2	25	8	...	188
	Total.	6	140	43	2	31	13	...	235
	Grand Total.	33	683	253	32	188	141	6	1336

No. 4.

SUPPLEMENTARY Civil return of the District of Shwé-Gyeen for the year 1868.

1	2	3		4		5			6			7		
Description of Suits.		Longest period any case on the file at the close of this year has been pending.		Average duration of suits disposed of during this year.		Total amount of value of suits instituted during the year.			Value of stamps on law papers filed during this year.			Cost of every description inclusive of stamps and pleader's fees incurred by parties in suits disposed of during the year.		
		Months.	Days.	Months.	Days.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
APPEALS.	Deputy Commr.	...	18	...	7	11,724	8	...	1,201	...	...	1,356	8	...
	Total...	...	...	...	...	11,724	8	...	1,201	...	...	1,356	8	...
ORIGINAL.	Deputy Commr.	...	...	...	2	169	12	...	18	...	...	19	8	...
	Asst. do.	...	20	...	3	4,562	5	10	543	8	...	584	...	...
	Tseetkay...	...	...	...	6	15,950	1	7	1,377	...	...	1,568	10	...
	Myookes...	...	25	...	6	35,595	..	7	3,586	8	...	4,089	15	...
	Total...	...	...	...	...	56,274	4	...	55,25	...	...	6,262	1	...
MISCELLANEOUS.	Deputy Commr.	...	...	...	2	1,200	8	...	9	8	...	12	8	...
	Asst. do.	...	6	...	2	614	6	...	9	...	...	17	2	...
	Tseetkay...	...	...	...	3	916	...	...	14	...	...	18	4	...
	Myookes...	...	8	...	2	2,158	8	...	251	8	...	297	13	...
	Total...	...	...	...	...	4,889	6	...	284	...	...	345	11	...

REPORT

OF THE

DISTRICT MAGISTRATE OF TAVOY.

For 1868.

——oo——

From G. FAITHFUL Esq., Deputy Commissioner, to Lieut. Colonel E. M. RYAN, Commissioner of Tenasserim Division of British Burma, No. 1, dated Tavoy the 9th January 1869.

Civil Returns Nos. I to IV.
Annual Returns of all Suits in which Government are concerned.
General Statement of unclaimed property of persons dying intestate in the Tavoy District.
Statement of Cases involving constructions of the Code of the Civil Procedure with transcript of decisions and orders passed by the presiding Judges during the past year of 1868.
Civil Returns Forms A, B, C, D, E, and F.

I have the honor to forward the Annual Civil Returns noted in the margin, and the following Report of the Administration of Civil Justice for the year 1868.

2. The following was the state of the Regular Files on the 1st January 1868 and 1st January 1869.

		1868	1869
Deputy Commissioner.	Regular Suits	...	...
	Appeals	6	15
Extra Asst. Commrs. 2nd Class, 1st Grade, Original Suits		4	26
Do. Do. 3rd, 4th, 5th do. 1st & 2nd do. do.		...	2
	Total.....	10	43

Shewing in the number pending on the last mentioned date an increase of 33 Suits. Of the cases in the Deputy Commissioner's Court 1 case was pending from the 28th November and the remaining 14 were instituted in the last month of the year. In December 1867 only 5 cases were instituted so that deducting the 9 cases in excess the number pending would be alike in each year viz. 6. In the Court of 2nd Class Extra Assistant Commissioner 1 case was pending from September, 2 from October, 7 from November and 16 from

December ; some of the oldest cases are improperly kept pending for evidence. I fear some Officers do not receive plaints towards the end of the year.

		1867	1868
Deputy Commissioner	Original Suits	...	...
	Appeals	114	132
Extra Asst. Commr. 2nd Class, 1st Grade Original Suits		236	295
Do. do. 3rd, 4th, 5th do. 1st & 2nd do. Original Suits		290	309
	Total	640	836

3. The number of Suits and Appeals instituted during the past two years is given in the margin, and shews an increase of 96 cases.

	1867.		1868.	
	Decided on Trial.	Finally disposed of.	Decided on Trial.	Finally disposed of.
Deputy Commissioner Original Suits	1	1	—	—
Deputy Commissioner Appeals	108	109	117	123
Extra Assistant Commissioner, 2nd Class, Original Suits	203	247	200	273
Extra Assistant Commissioners 3rd, 4th, 5th, Classes, 1st & 2nd Grade, Original Suits	261	290	271	307
Total	573	647	597	703
Increase	—	—	24	56
Decrease	—	—	—	—

4. The number of Suits and Appeals decided on trial and finally disposed of in the years 1867 and 1868 is given in the margin and shews an increase of 24 cases in the former and of 56 in the latter in the year under review. There were no cases pending above one year in any of the several Courts in this Division.

5. The following was the state of Miscellaneous Files on the 1st January 1868 and 1st January 1869.

	1868.	1869.
Deputy Commissioner	...	...
Extra Assistant. Commissioners, 2nd Class, 1st Grade ...	...	...
Do. Do. 3rd, 4th, 5th, Classes 1st and 2nd Grade...	...	...
Total ...	...	...

Shewing none pending in the year under review.

6. The statement in the margin shews the number of the Miscellaneous Cases instituted and disposed of in the years 1867 and 1868, as also the number of cases of above one year's standing at the close of those years, respectively, and exhibits decrease of 1413 cases instituted, 1366 cases in the number disposed of by an order on their merits and 1413 cases in the number finally disposed of. The large decrease is caused by petitions of all kinds having wrongly been classed as Miscellaneous Cases in former years. The previous year's annual papers were signed and submitted by me, but as I only assumed charge of this District in the middle of December 1867 and did not discover the error at that time.

	Instituted.	Disposed of by an order on their merits.	Finally disposed of.	Pending above one year.
1867.				
Deputy Commissioner - - -	656	629	656	—
Extra Asst Commissioner 2nd Class.	479	459	479	—
Do. Do. 3rd, 4th, 5th do. 1st & 2nd Grade - - -	475	461	475	—
Total	1610	1549	1610	—
1868.				
Deputy Commissioner - - -	42	35	42	—
Extra Asst. Commissioner, 2nd Class	97	92	97	—
Do. Do. 3rd, 4th, 5th do. 1st & 2nd Grade - - - -	58	56	58	—
Total	197	183	197	—
Increase	—		—	—
Decrease	1413	1366	1413	—

7. The number and result of Appeals from the orders of the Extra Assistant Commissioner 2nd Class 1st Grade and Extra Assistant Commissioners 3rd, 4th, 5th Classes and 1st and 2nd Grade, to the Deputy Commissioner are exhibited in the margin.

	Pending at the close of the year 1867.	Preferred during the year 1868.	Total.	Confirmed.	Reversed.	Modified.	Rejected.	Remanded.	Quashed.	Pending.
Extra Assistant Commissioner, 2nd Class - -	2	45	47	19	15	6	2	1	..	4
Extra Assistant Commissioner, 3rd, 4th and 5th Classes 1st and 2nd Grade	4	87	91	44	25	4	4	3	—	11
Total ..	6	132	138	63	40	10	6	4	—	15

The general result is not so good as last year. In the Court of the 2nd Class, 1st Grade Extra Assistant Commissioner the proportion of Confirmations is considerably smaller and of reversal larger, to the total of cases decided than in the previous year. This Court takes cognizance of cases arising within the Town limits many of which are of a more intricate nature than those tried in the rural Courts. The Extra As-

sistant Commissioner Moung Shwè Kyee has much improved the procedure of his Court under instructions given from time to time by myself, and has given me good assistance in conducting enquiries in Miscellaneous Cases.

8. The subjoined Statement exhibits the total number of cases disposed of by each Extra Assistant Commissioner 3rd, 4th, & 5th Classes, the number of Appeals preferred from their decisions and the result of the Appeals disposed of during the period under review.

Names and Stations.	Instituted during the yera 1868.	Decided on trial.	Finally disposed of.	Total disposed of.	Preferred during the year.	Appeals.						
						Confirmed.	Reversed.	Modified.	Remanded.	Rejected.	Quashed.	Pending.
N. E. Extra Asst. Commr. 5th Class 1st Grade M. S. Go.	67	54	67	67	29	14	6	3	...	2	...	4
S. E. Do. 4th Class 1st Grade Moung S. Hlan.	130	110	128	128	38	19	11	...	2	1	...	5
West Do. 3rd Class 2nd Grade Moung S. Att.	112	107	112	112	24	11	8	1	1	1	...	2
Total. ...	309	271	307	307	91	44	25	4	3	4	11	...

The proportion of Cases Appealed to those decided was greater last year than in the preceding one with not so favorable a result. Extra Assistant Commissioner Moung Shwè Att pays more attention to procedure and altogether gets up his Cases better than the two other Extra Assistants. Moung Shwè Hlan is most faulty in this respect. There is however more work in all departments in his Court than in the others which may account for occasional irregularities.

9. There were 9 cases of Appeals from the orders of the Deputy Commissioner to the Commissioner T. D. during the year under review, of which 4 were confirmed, 1 reversed, 3 dismissed on default, and 1 rejected.

In the previous year only one Appeal was preferred which was confirmed.

10. The following Statement shews the value of Suits instituted, decided, and pending at the close of the year:—

	Total value of suits instituted in 1868.	Total value of suits decided in 1868.	Total value of suits pending in 1868.
Dy. Commissioner. { Regular suits	... ...	... ...	... ...
{ Appeals.	7,975	7,292	683
Extra Assist. Comr. 2nd class 1st grade.	13,230	11,493	1,737
Do. Do. 3rd, 4th, 5th class, 1st and 2nd grade.	12,907	12,741	166
Total ...	34,112	31,526	2,586

I am not aware of any particular reason for the decrease in value of Suits in the three Lower Courts. There is a slight increase in the remaining one. * The average value of each Suit was 46 Rs. as against 66 Rs. in the former year.

* Extra Assistant Commissioner, 2nd class, 1st grade.

11. The number of Suits on a supposed population of 68,749 will be in proportion of 1 to 93. Last year it was 1 to 104.

12. The average duration of Suits was 52 days in the Deputy Commissioner's Court, 14 days in the Extra Assistant Commissioner's Court, 2nd class, 1st grade; and 12 days in the Extra Assistant Commissioners Courts 3rd, 4th, and 5th classes 1st and 2nd grade. In the previous year the numbers were respectively 36,14 and 14 nearly, showing an equal number of days in the Court of the Extra Assistant Commissioner at Tavoy, and a decrease of 2 days in the other Lower Courts collectively, an increase of 16 days in the Deputy Commissioner's Court. The latter is caused partly by the Deputy Commissioner having been delayed in the interior on Revenue Settlement duty but more by frequent adjournments in trial of Appeal cases in a large number of which fresh issues were sent to the Lower Courts for enquiry and determination and re-submission of the papers with an opinion thereon to the Appellate Court. I hope there will be considerably less necessity for such adjournments this year.

13. The percentage of costs on the value of the Suits averaged 40 per cent as against 16 per cent in 1867. This owes from the increased number of Suits and Appeals and the generally raised value of stamped papers used in Suits under Act 26 of 1867.

14. Agreeably to Circular No. 42 dated 26th September 1862, I beg to report that there were no cases in which Government was concerned which is shewn in the return herewith forwarded.

15. I have taken every opportunity to improve the administration of Civil Justice in the Lower Courts by pointing out errors of Law and Procedure committed by them, and by sending written instructions generally likely to be useful to them.

16. I examined the Registers and Records of the Lower Courts on the following dates:—

N. East Township	-	-	- 29th December 1868.
Tavoy Town	-	-	- 30th do. do.
S. East Township	-	-	- 31st do. do.
Western do.	-	-	- 25th March do.

North East Township, Moung Shwé Go, Extra Assistant Commissioner, 5th class, 1st grade.

Register of Miscellaneous Cases and of money deposits were not correctly kept up and generally great irregularity in signing books and entries in Registers. Library complete. Judicial Stamps supply defective in a few 4 anna Stamps.

Tavoy Town, Moung Shwè Kyee, Extra Assistant Commissioner, 2nd class, 1st grade. Registers correctly kept but entries not regularly signed by the Extra Assistant Commissioner. This Court keeps its own records which are in decent order. It keeps no Stamps supply as there is a Stamp Vendor in the Deputy Commissioner's Office. Library complete.

South East Township, Mourg Shwè Hlan, 4th class, 1st grade. I found the Register of Original Suits to be not correctly kept, and the Register of money deposits very much so, and generally entries not signed at the time very often and others not at all in the different Register books.

The Library is Complete. Papers of pending and lately decided Cases not well kept. A few judicial stamped papers of small value required to complete the full supply. This Court has not yet obeyed the Commissioner's order to have benches for the Pleaders and a railing in front, which I at once ordered.

Western Township, Moung Shwè Att, Extra Assistant Commissioner, 3rd Class, 2nd Grade. I regret to say that the notes of my inspection of this Court's Records made by me several months back have been mislaid by me but I am able to say that I found them in generally better order than those of the other two interior Courts.

I beg to recommend that Nos. 6 and 9 Registers of "Fees" &c., and attendance of witnesses (Civil Department) be discontinued as not being required—the former, as no Fees have been received in our Civil Courts for years— and the latter is only prescribed by the late Sudder or present High Court in the Criminal Department.

17. The so-called Pleaders in this District are not of much assistance to parties or the Court. They are allowed to practise without certificates having been in practise before the year 1863.

18. There were no cases referred to arbitration in this District during the past year.

19. In regard to the execution of decrees passed in the Courts of the Extra Assistant Commissioners 2nd, 3rd, 4th and 5th Classes it would appear that the number of Decrees given in those Courts during the past year was 487.

Execution was taken out in 122 cases which were settled as follows:—

In 55 Cases the Amount was paid at once.
„ 33 „ Property was Attached and sold.
„ 3 „ Persons were confined in Gaol.
„ 11 „ Warrants were withdrawn.
„ 20 „ Warrants could not be executed.

The total number of persons confined in the Civil Gaol during the past year was 3 and the longest period during which any of those in confinement was 3 months.

20. The number of deeds registered in the Deputy Commissioner's Office, Tavoy, during the past two years was in.

	1867	1868.
Permanent Conveyance	4	1
Temporary do.	2	1
General Register	0	1
Register of Will	0	0
Total ...	6	3

The value of property registered during the years 1867 and 1868 is shewn below :—

	1867.	1868.
Permanent Conveyance	2,425	300
Temporary Conveyance	2,500	600
General Register	...	5,200
Register of Will	...	...
Total Rupees ...	4,925	6,100

No. I.

STATEMENT of Suits of every description instituted, disposed of and pending before all the Courts, European and Native in the District of TAVOY, during the year 1868.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	
	No of suits pending at the close of the year 1867.				No. of cases instituted during the year 1868.				No. of cases disposed of during the year 1868.				No. of cases pending at the close of the year 1868.				
	Appeals.	Original suits.	Miscellaneous Cases.	Total.	Appeals.	Original suits.	Miscellaneous cases.	Total.	Appeals.	Original suits.	Miscellaneous cases.	Total	Appeals.	Original suits.	Miscellaneous cases.	TOTAL.	
Deputy Commissioner	6	0	0	6	132	0	42	174	123	0	42	165	15	0	0	15	The earliest
Assistant Commissioner	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	date of pend-
Assistant Commissioner	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	ing case in
Extra Asst. Commissioner	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Dy. Commr's.
Do do. 2nd class, 1st grade ...	0	4	0	4	0	295	97	392	0	273	97	370	0	26	0	26	Court is 28th
Do 3rd, 4th & 5th class, 1st & 2nd grade	0	0	0	0	0	309	58	367	0	307	58	365	0	2	0	2	Nov. 1868.
TOTAL...	6	4	0	10	132	604	197	933	123	580	197	900	15	28	0	43	

G. FAITHFULL,

Deputy Commissioner.

No. II.

CLASSIFICATION of Appeals and Original suits instituted before all the Courts in the District of TAVOY during the year 1868, *as per columns* 6 *and* 7 *of Statement No. I.*

	APPEALS.						ORIGINAL.						TOTAL.
	Deputy Commissioner	Asst. Commissioner.	E. A. Commissioner.	Tseetkai.	Myo-Okes.	Total.	Deputy Commissioner.	Asst. Commissioner.	Ex. Asst. Commissioner.	Ex. Asst. Commissioner.	Tseetkai.	Myo-Okes.	
I. Suits connected with immoveable property.													
1. House	5	0	0	0	0	5	0	0	0	0	5	1	6
2. Land	39	0	0	0	0	39	0	0	0	0	22	44	66
3. Mortgages	1	0	0	0	0	1	0	0	0	0	4	1	5
4. Fisheries	0	0	0	0	0	0	0	0	0	0	0	1	1
5. Inheritance	6	0	0	0	0	6	0	0	0	0	2	13	1 5
6. Other cases	1	0	0	0	0	1	0	0	0	0	3	7	1 0
II. Suits not connected with immoveable property.													
1. Debt	8	0	0	0	0	8	0	0	0	0	62	51	113
2. Damages for breach of contract or loss or injuries to property...	16	0	0	0	0	16	0	0	0	0	75	52	127
3. Damages for personal injuries and wrongs	5	0	0	0	0	5	0	0	0	0	8	22	30
4. Marriage or divorce	4	0	0	0	0	4	0	0	0	0	6	14	20
5. Inheritance	4	0	0	0	0	4	0	0	0	0	2	23	25
6. Other cases	43	0	0	0	0	43	0	0	0	0	106	80	186
TOTAL...	132	0	0	0	0	132	0	0	0	0	295	309	604

G. FAITHFULL,

Deputy Commissioner.

No. III.

DETAIL of Suits disposed of by all the Courts in the District of TAVOY during the year 1868, *as per columns* 10 *to* 13 *of Statement No.* I.

Description of Suits.		Decided on trial.							
		Rejected.	In favor of Appellant or Plaintiff.	In favor of Respondent or Defendant.	Decreed ex-parte.	Compromised.	Withdrawn or dismissed in default.	Transferred.	Total.
APPEALS.	Deputy Commissioner	6	54	63	.....	.....	.....	.....	123
	Assistant Commissioner	.....	.....	.....	.....	.....	.....	.....	.....
	Assistant Commissioner	.....	.....	.....	.....	.....	.....	.....	.....
	Extra Asst. Commissioner	.....	.....	.....	.....	.....	.....	.....	.....
	Extra Asst. Commissioner	.....	.....	.....	.....	.....	.....	.....	.....
	Tseetkai	.....	.....	.....	.....	.....	.....	.....	.....
	8 Myo-okes	.....	.....	.....	.....	.....	.....	.....	.....
	Total ...	6	54	63	.....	.....	.....	.....	123
ORIGINAL.	Deputy Commissioner	.....	.....	.....	.....	.....	.....	.....	.....
	Assistant Commissioner	.....	.....	.....	.....	.....	.....	.....	.....
	Assistant Commissioner	.....	.....	.....	.....	.....	.....	.....	.....
	Ex. Asst. Commr., 2nd class, 1st grade ...	4	170	39	6	52	2	.....	273
	Ex. Asst. Commissioner	.....	.....	.....	.....	.....	.....	.....	.....
	Tseetkai	.....	.....	.....	.....	.....	.....	.....	.....
	Do. 3rd, 4th & 5th class, 1st & 2nd grade	4	178	93	1	27	2	2	307
	Total ...	8	348	132	7	79	4	2	580
MISCELLANEOUS.	Deputy Commissioner	3	25	10	.....	.....	.....	4	42
	Assistant Commissioner	.....	.....	.....	.....	.....	.....	.....	.....
	Assistant Commissioner	.....	.....	.....	.....	.....	.....	.....	.....
	Ex. Asst. Commr., 2nd class, 1st grade ...	.....	79	13	.....	5	.....	.....	97
	Ex. Asst. Commissioner	.....	.....	.....	.....	.....	.....	.....	.....
	Tseetkai	.....	.....	.....	.....	.....	.....	.....	.....
	Do. 3rd, 4th & 5th classes, 1st & 2nd grade ...	.....	46	10	.....	2	.....	.....	58
	Total ...	3	150	33	.....	7	.....	4	197

G. FAITHFULL,
Deputy Commissioner.

No. IV

SUPPLEMENTARY CIVIL RETURN of the District of TAVOY for the Year 1868.

1	2	3		4		5			6			7		
Discription of Suits.		Longest period any case on the file at the close of the year has been pending.		Average duration of Suits disposed of during the year.		Total amount of Value of Suits instituted during the year.			Value of Stamps on Law papers filed during the year.			Cost of every description inclusive of stamps and Pleader's fees incurred by parties in suits disposed of during the year.		
		Months.	Days.	Months.	Days.	Rs.	As.	Ps.	Rs.	As.	Ps.	Rs.	As.	Ps.
APPEALS.	Deputy Commssioner. ...	5	28	1	22	7975	2	11	970	8	...	1349	3	2
	Assistant Commissioner ...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Assistant Commissioner ...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Ex. Assistant Commissioner	...	...	...	...	...	...	...	...	...	...	...	...	...
	Ex. Assistant Commissioner	...	...	...	...	...	...	...	...	...	...	...	...	...
	Tseetkai	...	...	...	...	...	...	...	...	...	...	...	...	...
	Myo-okes...	...	...	...	...	...	...	...	...	...	...	...	...	...
	TOTAL...	5	28	1	22	7975	2	11	970	8	...	1349	3	2

1	2	3		4		5			6			7		
Description of Suits.		Longest period any case on the file at the close of the year has been pending.		Average duration of Suits disposed of during the year.		Total amount of Value of Suits instituted during the year.			Value of Stamps on Law papers filed during the year.			Cost of every description inclusive of stamps and Pleader's fees incurred by parties in suits disposed of during the year.		
		Months.	Days.	Months.	Days.	Rs.	As.	Ps	Rs.	As.	Ps.	Rs.	As.	Ps.
ORIGINAL.	Deputy Commissioner. ...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Assistant Commissioner. ...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Assistant Commissioner. ...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Ex. Assistant Commissioner	...	...	...	...	...	...	...	...	...	...	...	...	...
	Ex. Assistant Commissioner	*												
	2nd Class 1st Grade ...	9	3	...	14	13,230	12	2	1,434	9	...	2,526	15	8
	Tseetkai.	...	...	...	...	...	...	...	...	...	...	...	...	...
	Do. Myo-okes 3rd 4th 5th Classes 1st & 2nd Grade	4	19	...	12	12,907	12	1	1,638	7	...	3,652	5	6
	TOTAL...	...	...	...	...	26,138	8	3	3,073	...	...	6,179	5	2

MISCELLANEOUS.	Deputy Commissioner. ...	...	6	...	1	...	...	...	103	1	...	103	1	...
	Assistant Commissioner. ...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Assistant Commissioner. ...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Ex. Assistant Commissioner.	...	...	...	...	...	...	...	...	...	...	...	...	...
	Ex. Assistant Commissioner 2nd Class 1st Grade.... ...	...	7	...	1	...	...	...	133	3	...	242	3	4
	Tseetkai.	...	...	...	...	...	...	...	...	...	...	...	...	...
	Do. 3rd 4th 5th Classes 1st and 2nd Grade.	...	6	...	1	...	...	...	133	...	...	249	7	7
	TOTAL...	...	...	..	...	...	...	...	369	4	...	594	11	11

* This is the case Pending in the Court of the Extra Assistant Commissioner 2nd Class, 1st Grade on account of the Commission having been sent to Rangoon for examination of Witnesses.

Tavoy
11th January 1869.

G. FAITHFULL.
Deputy Commissioner.

REPORT

OF THE

DISTRICT MAGISTRATE OF MERGUI

For 1868.

From T. SHEPHERD, Deputy Commissioner Mergui, to Lieutenant Colonel E. M. RYAN, Commissioner Tenasserim Division, No. 2 dated Mergui, the 1st January 1869.

I have the honor to forward the Annual Civil Returns noted in the margin, and the following Report of the Administration of Civil Justice in the District of Mergui.

Civil Statements Nos. I to IV.
Comparitive Statements Nos. I to XI.
Civil Statements from A to F.
Statistical Statements Nos. I to XII.
Return of Officers examined.
Statement of cases in which Government is concerned.

2. The following was the state of the regular files on the 1st January 1868, and 1st January 1869, showing no case pending on the last mentioned date.

	1868. S.	1868. A.	1869. S.	1869. A.
Deputy Commissioner	0	0	0	0
Tseetkay	0	0	0	0
Myo-Okes	0	0	0	0

3. The number of suits and appeals instituted during the past two years is given in the margin, and shews an increase of 8 Regular suits, and decrease of 24 cases in appeal.

	1868. S.	1868. A.	1869. S.	1869. A.
Deputy Commissioner ..	1	80	[illegible]	56
Tseetkay ..	539	0	53[illegible]	0
Myo-Okes ..	149	0	16[illegible]	0
Total..	689	80	697	56

4. The number of Regular Suits and Appeals decided on trial and finally disposed of in the years 1867 and 1868 is given in the margin, and shows 8 Regular Suits decided more than the year 1867. But 24 Appeal cases less in the year under review.

	1867 S.	1867 A.	1868 S.	1868 A.
Dy: Commissioner - -	1	80	..	56
Tseetkay - - -	539	..	530	..
Myo-Okes - - -	149	..	167	..
TOTAL - -	689	80	697	56

5. The following was the state of Miscellaneous files on the 1st January 1868 and 1st January 1869:—

	1868	1869
Deputy Commissioner - - - - -	„	„
Tseetkay - - - - - - -	„	„
Myo-Okes - - - - - - -	„	„

		Instituted.	Disposed of by an order on the merits.	Finally disposed of.	Pending above one year.
1867	Dy: Commissioner -	258	258	...	...
	Tseetkay - - -	409	409	...	...
	Myo-Okes - - -	67	67	...	...
	TOTAL - -	734	734	...	...
1868	Dy: Commissioner -	197	197	...	...
	Tseetkay - - -	475	475	...	...
	Myo-Okes - - -	126	126	...	...
	TOTAL - -	798	798	...	...
Increase - - - -		64	64	...	...
Decrease - - - -		...	...	...	...

6. The statement in the margin shows the number of miscellaneous cases instituted and disposed of in the years 1867 and 1868. As also the number above one year's standing at the close of the years respectively (of which there were none) and exhibits an increase of 64 cases.

7. The result of Appeals from the orders of the Deputy Commissioner to the Chief Commissioner and Commissioner, and from the Courts of the Tseetkay and Myo Okes to the Deputy Commissioner are exhibited in the margin.

	Pending at the close of 1867.	Referred during the year.	Total.	Confirmed.	Reversed.	Modified.	Rejected.	Withdrawn or Compromised.
Deputy Commr.	..	2	2	2	..	..	..	..
Tseetkay.	..	42	42	27	10	5	..	..
Myo-Okes.	..	14	14	8	3	3	..	..
Total..	..	58	58	37	13	8	..	..

8. The appeals from the Courts of the Tseetkay and Myo-Okes are 13 reversed, 8 modified, and 35 comfirmed out of the total number of 56 cases during the year under review. The result is satisfactory.

9. The subjoined statement shows the total number of Cases disposed of, Appeals preferred from the decision of the Myo Okes, and the result of the Appeals disposed of during the year under review.

	Instituted during the year.	Decided on trial.	Finally disposed of.	Total disposed of.	Preferred during the year.	Appeals. Confirmed.	Reversed.	Modified.	Rejected.
Moung Shwè Go.	90	87	3	90	9	5	2	2	..
do. Htoon Oung.	45	44	1	45	5	3	1	1	..
do. Tsain Gnyoe.	32	30	2	32	..	..	..	..	..
Tsit Syan.	..	..	..	..	..	..	..	..	..
Total..	167	161	6	167	14	8	3	3	...

10. The following Statement shews the value of suits instituted, decided and pending at the close of the year :—

	Total value of suits instituted in 1868.			Total value of suits decided in 1868.			Total value of suits pending at the close of the year 1868.		
Deputy Commissioner	...	...	...	...	...	...	...	...	...
Tseetkay.....	17,941	...	1	17,941	...	1	...	...	...
Myo-Okes	4,771	12	6	4,771	12	6	...	...	...
Total	22,712	12	7	22,712	12	7	...	...	...

11. The number of original suits in a supposed population of 43,281 will be a proportion of one case to 62 souls.

12. The total value of property litigated for, within the year was Rs. 22,712-12-7. The average value of the original suits was Rs. 32-11-8. The average duration of suits was 5 days; 2 days less than the preceding year, which I consider satisfactory. The percentage of costs to the value of suits averaged 21 per cent.

13. Agreeably to your Circular No. 42 of 26th September 1862, I beg to report that there was no case instituted in which Government was concerned; and in conformity with your docket No. 66 dated 23rd November 1863, I beg to append the following remarks regarding the number of cases in which the decision of the lower courts has been reversed.

The number of cases reversed is equivalent to 23 per cent, which I consider satisfactory. There were 42 appeal cases

from the court of the Tseetkay Moung Shwè Bo preferred to my court, of which, 27 were confirmed, 10 reversed, and 5 modified. Nine appeal cases from the MyoOke of Palaw Moung Shwè Go, of which 5 were confirmed 2 reversed and 2 modified. Five appeal cases preferred from the court of the Myo Oke of Tenasserim, Moung Htoon Oung, of which 3 were confirmed, 1 reversed, and 1 modified.

The result of appeals from the subordinate courts is good. The Officers have conducted the duties of their several courts with fairness and to the utmost of their abilities.

During the past year, no Deeds have been Registered in this court, but the Register books are kept according to the Rules for the Registry of deeds published in the Hand Book for British Burma.

During the past year 158 decrees in Civil Suits have been executed.

The system prevailing in this District is, when application for execution of a decree is made under Section 207 of the Civil Code, and if older than one year, an inquiry is instituted; and if the court is satisfied, a Warrant is issued under Section 221.

In all cases of intended sale of immoveable property, thirty days notice is given; and for moveable property 15 days, in accordance with Section 249 of the Civil Code. If application is made to arrest a debtor in execution of a decree, he can apply for a discharge under Section 273, on the ground that he has no means of paying the debt, and by delivering up all the property he possesses, the court will then examine the applicant, and call upon the Plaintiff to show cause why he should not be discharged. If a debtor is sent to Gaol for Rs. 50 and will not pay, he is released after three months, and if not exceeding Rs. 500 six months.

During the past year there was no suit Arbitrated in any of the Civil Courts in this district.

During the past year I have examined the Subordinate Courts in this district. The stamps attached to the several suits were of the proper value, and the Records were correctly kept.

The following is the list of Registers, and Books kept in the several Subordinate Courts on the Civil Side,

Register of Suits.
Miscellaneous Book.
Deposit Book.
Stamp refund Certificate Book.
Stamp Register.
Fees received.
Files of Orders.
Copies of Orders.
Attendance of Witnesses.

No. I

STATEMENT OF SUITS of every description instituted, disposed of and pending before all the Courts, European and Native in the District of Mergui during the year 1868.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	
	No. of suits pending at the close of the year 1867.				No. of cases instituted during the year 1868.				No. of cases disposed of during the year 1868.				No. of cases pending close of 1868.				
	Appeals.	Original suits.	Miscellaneous cases.	TOTAL.	Appeals.	Original suits.	Miscellaneous cases.	TOTAL.	Appeals.	Original suits.	Miscellaneous cases.	TOTAL.	Appeals.	Original suits.	Miscellaneous cases.	TOTAL.	
Deputy Commissioner.	...	...	...	...	56	...	197	253	56	...	197	253	...	...	...	...	
Assistant Commissioner. ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Assistant Commissioner. ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Ex. Assistant Commissioner....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Ex. Assistant Commissioner....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Tseetkai.	...	...	...	...	...	530	475	1,005	...	530	475	1,005	...	...	...	...	
Myo-okes.	...	...	...	...	...	167	126	293	...	167	126	293	...	...	...	...	
TOTAL. ...	...	...	...	...	56	697	798	1,551	56	697	798	1,551	...	...	...	...	

T. SHEPHERD.
Deputy Commissioner.

No. II

CLASSIFICATION of Appeals and Original Suits instituted before all the Courts in the District of Mergui during the year 1868 as per columns 6 and 7 of Statement No. I.

	Appeals.						Original.						
	Deputy Commissioner.	Assistant Commissioner.	Extra Assistant Commissioner.	Tseetkai.	Myo-okes.	Total.	Deputy Commissioner.	Assistant Commissioner.	Extra Assistant Commissioner.	Extra Assistant Commissioner.	Tseetkai.	Myo-okes.	TOTAL.
I Suits connected with immoveable property.	...	...	...	...	...	...	...	...	...	...	...	...	...
1 Houses	...	...	...	...	...	...	...	...	...	...	9	2	11
2 Land	5	...	...	...	...	5	...	...	...	...	10	6	16
3 Mortgages	...	...	...	...	...	...	...	...	...	...	1	1	2
4 Fisheries	...	...	...	...	...	...	...	...	...	...	2	...	2
5 Inheritance	1	...	...	...	...	1	...	...	...	...	3	6	9
6 Other cases	...	...	...	...	...	...	...	...	...	...	2	23	25
II Suits not connected with immoveable property	...	...	...	...	...	...	...	...	...	...	...	...	...
1 Debt	25	...	...	...	...	25	...	...	...	...	135	30	165
2 Damages for breach of contract or loss or injuries to property.	8	...	...	...	...	8	...	...	...	...	46	11	57
3 Damages for personal injuries and wrongs	1	...	...	...	...	1	...	...	...	...	...	4	4
4 Marriage or devoree	1	...	...	...	...	1	...	...	...	...	38	17	55
5 Inheritance	2	...	...	...	...	2	...	...	...	...	...	1	1
6 Other cases	13	...	...	...	...	13	...	...	...	...	248	66	350

F. SHEPHERD.
Deputy Commissioner.

No. III

DETAIL of Suits disposed of by all the Courts in the District of Mergui during the year 1868 *as per columns* 10 *to* 13 *of Statement No. I.*

Description of Suits.		Rejected.	Decided on Trial.		Decreed exparte.	Compromised.	Withdrawn or dismissed in default.	Transferred.	Total.
			In favor of Appellant Plaintiff.	In favor of Respondant or Defendant.					
APPEALS.	Deputy Commissioner ...	...	21	35	...	...	...	...	56
	Assistant Commissioner ...	...	...	...	...	...	...	...	...
	Assistant Commissioner ...	...	...	...	...	...	...	...	...
	Ex: Assistant Commissioner	...	...	...	...	...	...	...	...
	Ex: Assistant Commissioner	...	...	...	...	...	...	...	...
	Tseetkai	...	...	...	...	...	...	...	...
	8 Myo-okes	...	...	...	...	...	...	...	...
	TOTAL...	...	21	35	...	...	...	...	56
ORIGINAL.	Deputy Commissioner ...	...	...	...	...	...	...	...	...
	Assistant Commissioner ...	...	...	...	...	...	...	...	...
	Assistant Commissioner ...	...	...	...	...	...	...	...	...
	Ex: Assistant Commissioner	...	...	...	...	...	...	...	...
	Ex: Assistant Commissioner	...	...	...	...	...	...	...	...
	Tseetkai	2	384	47	33	4	60	...	530
	8 Myo-okes	...	124	37	2	1	3	...	167
	TOTAL...	2	508	84	35	5	63	...	697
MISCELLANEOUS.	Deputy Commissioner ...	44	106	35	...	12	...	...	197
	Assistant Commissioner ...	...	...	...	...	...	...	...	...
	Assistant Commissioner ...	...	...	...	...	...	...	...	...
	Ex: Assistant Commissioner	...	...	...	...	...	...	...	...
	Ex: Assistant Commissioner	...	...	...	...	...	...	...	...
	Tseetkai	...	435	6	4	2	28	...	475
	8 Myo-okes	...	123	2	...	...	1	...	126
	TOTAL...	44	664	43	4	14	29	...	798

T. SHEPHERD,
Deputy Commissioner.

No. IV

SUPPLEMENTARY CIVIL RETURN of the District of Mergui for the year 1868.

1	2	3		4		5			6			7		
Description of Suits.		Longest period any case on the file at the close of the year has been pending.		Average duration of Suits disposed of during the year.		Total amount of Value of Suits instituted during the year.			Value of Stamps on Law papers filed during the year.			Cost of every description inclusive of stamps and Pleader's fees incurred by parties in suits disposed of during the year.		
		Months.	Days.	Months.	Days.	Rs.	As.	Ps.	Rs.	As.	Ps.	Rs.	As.	Ps.
APPEALS.	Deputy Commissioner. ...	...	...	....	12	2,778	5	7	357	6	...	579	12	8
	Assistant Commissioner. ...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Assistant Commissioner. ...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Ex: Assistant Commissioner	...	...	...	...	...	...	...	...	...	...	...	...	...
	Ex: Assistant Commissioner	...	...	...	...	...	...	...	...	...	...	...	...	...
	Tseetkai.	...	...	...	...	...	...	...	...	...	...	...	...	...
	Myo-okes...	...	...	...	...	...	...	...	...	...	...	...	...	...
	TOTAL...	...	...	...	...	2,778	5	7	357	6	...	579	12	8

ORIGINAL.	Deputy Commissioner. ...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Assistant Commissioner. ...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Assistant Commissioner. ...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Ex: Assistant Commissioner	...	...	...	...	...	...	...	...	...	...	...	...	...
	Ex: Assistant Commissioner	...	...	...	...	...	...	...	...	...	...	...	...	...
	Tseetkai.	...	...	...	6	17,941	...	1	2,328	10	...	3,443	1	10
	Myo-okes...	...	...	...	5	4,771	12	6	591	...	...	1,496	14	3
	Total...	...	...	...	...	22,712	12	7	2,919	10	...	4.940	0	1
MISCELLANEOUS.	Deputy Commissioner. ...	...	...	...	1	315	5	...	24	13	...	57	7	4
	Assistant Commissioner. ...	...	...	...	...	...	...	...	...	...	...	...	.....	...
	Assistant Commissioner. ...	...	...	...	...	...	...	...	...	...	...	...	.....	...
	Ex: Assistant Commissioner	...	...	...	...	...	...	...	...	...	...	...	.....	...
	Ex: Assistant Commissioner	...	...	...	...	...	...	...	...	...	...	...	...	...
	Tseetkai.	...	...	...	1	397	13	5	301	9	...	587	8	4
	Myo-okes....	...	...	...	1	1,572	15	7	19	3	...	72	5	2
	Total....	...	...	...	...	2,286	2	...	345	9	...	717	4	10

T. SHEPHERD.
Deputy Commissioner.

APPENDIX.

No. I.

STATEMENT of Suits of every description instituted, disposed of and pending before all the Courts European and Native in the Division of Arakan during the year 1868.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
COURTS.	No. of Cases pending at the close of the last year.				No. of Cases instituted during the year.				No. of Cases disposed of during the year.				No. of Cases pending at the close of the year.			
	Appeals	Original Suits	Miscellaneous Cases	Total	Appeals	Original Suits	Miscellaneous Cases	Total	Appeals	Original Suits	Miscellaneous Cases	Total	Appeals	Original Suits	Miscellaneous Cases	Total
Commissioner's Court	2	...	...	2	11	...	1	12	13	...	1	14	...	...	...	...
Akyab District.																
Deputy Commissioner's Court.....	16	...	2	18	131	...	53	184	137	...	50	187	10	...	5	15
Akyab 1st Assistant Commissioner's Court ...	...	...	...	...	...	...	27	27	...	...	27	27	...	...	...	...
„ 2nd do. do:... ...	12	6	18	...	144	83	227	...	152	88	240	...	4	1	5	
Naaf Extra do. do. 1st Class	...	5	3	8	...	175	137	312	...	178	140	318	...	2	...	2
Koladan „ do. do. do.	...	1	...	1	...	39	18	57	...	39	17	56	...	1	1	2
Akyab „ do. do. 2nd Class	...	8	4	12	...	1095	1184	2279	...	1086	1179	2265	...	17	9	26
Mrohoung „ do. do. 3rd Class	...	6	...	6	...	215	62	277	...	219	62	281	...	2	...	2
Rathaidoung „ do. do. do.	...	...	...	...	...	150	46	196	...	139	38	177	...	11	8	19
Minbya „ do. do. do.	...	...	...	...	...	132	22	154	...	132	22	154	...	...	...	...
Ooyittoung East „ do. do. do.	...	3	...	3	...	95	31	126	...	98	31	129	...	...	...	...
do. West „ do. do. do.	...	1	...	1	...	69	16	85	...	70	16	86	...	...	...	...
TOTAL.....	16	36	15	67	131	2114	1679	3924	137	2113	1670	3920	10	37	24	71

Ramree District.																			
Deputy Commissioner's Court	...	...	...	...	50	2	12	64	50	2	11	63	...	...	1	1
Kyouk Phyoo Ex: Asst. Comr's. Court 1st Class	...	...	...	...	...	164	91	255	...	164	91	255	...	...	...	...
Ramree do. do. 3rd Class	...	...	...	...	...	208	136	344	...	208	136	344	...	...	...	...
Aeng do. do. do.	...	...	...	...	...	81	9	90	...	81	9	90	...	...	...	...
Cheduba do. do. do.	...	1	...	1	...	91	32	123	...	92	32	124	...	...	...	...
TOTAL.....	...	1	...	1	50	546	280	876	50	547	279	876	...	...	1	1
Sandoway District.																
Deputy Commissioner's Court	...	...	...	...	44	...	7	51	44	*1	7	52	...	...	...	...
Sandoway Ex: Asst. Comr's. Court 2nd Class ...	...	...	...	...	*204	176	380	...	202	174	376	...	1	2	3
Northern Divn. Ex. Asst. Comr's Court 3rd Class	...	...	...	...	96	15	111	...	96	15	111	...	...	...	...
Southern do. do. do.	...	...	...	...	84	12	96	...	84	12	96	...	...	...	...
TOTAL.....	...	...	...	...	44	384	210	638	44	383	208	635	...	1	2	3
Northern Arakan.																
Hill Tribes Superintendent's Court	...	...	...	...	...	2	...	2	...	2	...	2	...	...	...	...
Assistant Superintendent's Court	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
TOTAL.....	...	...	...	...	...	2	....	2	...	2	...	2	...	...	...	...
GRAND TOTAL.....	18	37	15	70	236	3046	2170	5452	244	3045	2158	5447	10	38	27	75

* One Suit was disposed of by the Deputy Commissioner from the Tsitkay's File.

J. F. J. STEVENSON,
Commissioner of Arakan.

AKYAB,
the 4th March 1869.

No.

CLASSIFICATION of Appeals and Original Suits instituted before

	Appeals.						*Akyab.*								
	Before Commissioner	,, Deputy Commissioner Akyab.	,, Deputy Commissioner Ramree.	,, Deputy Commissioner Sandoway.	,, Hill Tribes Superintendent Northern Arakan.	Total.	Commissioner,	Deputy Commissioner.	Akyab 1st Asstt. Commr's. Court.	Akyab 2nd Asstt. Commr's. Court.	Naaf Ex. Asst Commr's. Court 1st Class	Koladan Ex: Asstt. Commr's. Court 1st Class.	Akyab Ex: Assistant Commissioner's Court 2nd Class.	Mrohoung Ex: Assistant Commissioner's Court 3rd Class.	Ropathaidoung.
I. Suits connected with Immoveable property.															
1. Houses	...	1	...	...	...	1	...	...	...	1	...	...	6	3	...
2. Land	4	18	19	7	...	48	...	...	...	1	20	4	16	6	6
3. Mortgages	...	1	...	2	...	3	...	...	...	....	1	...	2	...	...
4. Fisheries...	...	...	2	...	...	2	...	...	...	...	...	...	...	...	...
5. Inheritance	3	....	4	3	...	10	...	...	...	1	1	...	...	...	...
6. Other cases	...	...	...	...	...	...	...	...	...	....	26	...	17	...	...
II. Suits not connected with Immoveable property.															
1. Debt	1	36	4	7	...	48	...	...	...	118	41	23	892	39	33
2. Damages for breach of Contract or loss or injury to property...	...	3	3	1	...	7	...	...	...	8	45	...	39	1	67
3. Damages for personal injuries and wrongs	...	1	...	8	...	9	...	...	...	...	...	...	10	...	1
4. Marriage or Divorce	...	7	4	6	...	17	...	...	...	...	4	2	17	26	...
5. Inheritance	...	3	...	1	...	4	...	...	...	...	...	...	1	...	1
6. Other cases	3	61	14	9	...	87	...	...	...	15	37	10	95	140	42
TOTAL.....	11	131	50	41	...	236	...	...	...	144	175	39	1,095	215	150

AKYAB,
The 4th March 1869.

II.

all the Courts in the Division of Arakan during the year 1868.

ORIGINAL SUITS.

				Ramree.						*Sandoway.*					*Northern Arakan.*		
Minbya do.	Ooyittoung East do.	Do West do.	Total.	Deputy Commissioner.	Kyouk Phyoo Ex: Assistant Commissioner's Court 1st Class.	Ramree Ex: Assistant Commissioner's Court 3rd Class.	Aeng do.	Cheduba do.	Total.	Deputy Commissioner.	Sandoway Ex: Assistant Commissioner's Court 2nd Class.	Northern Division do. 3rd Class.	Southern do. do.	Total.	Hill Tribes Superintendent's Court.	Assistant do.	Total.	GRAND TOTAL.
...	2	2	14	...	...	...	2	...	2	...	...	...	1	1	...	...	...	17
7	1	3	64	...	10	19	1	9	40	...	14	5	3	22	...	...	...	126
...	...	...	3	...	2	...	4	3	8	...	3	1	...	4	...	...	...	15
1	...	...	1	...	1	...	...	...	1	...	...	...	...	...	...	...	...	2
1	1	...	4	...	2	8	2	2	14	...	2	2	1	5	...	...	...	23
...	...	...	43	...	1	...	...	...	1	...	...	...	2	2	...	...	...	46
13	49	11	1,219	2	79	66	35	23	205	...	75	43	40	158	2	...	2	1,584
5	13	2	180	...	5	8	11	...	24	...	6	2	7	15	...	...	...	219
19	...	...	30	...	5	5	6	7	23	...	10	1	7	18	...	...	...	71
9	3	7	68	...	14	9	6	10	39	...	14	16	7	37	...	...	...	144
6	1	4	13	...	2	1	...	...	3	...	1	1	1	3	...	...	...	19
71	25	40	475	...	43	92	14	37	186	...	79	25	15	119	...	...	...	780
132	95	69	2,114	2	164	208	81	91	546	...	204	96	84	384	2	...	2	3,046

J. F. J. STEVENSON,
Commissioner of Arakan

No. III.

DETAIL of Suits disposed of by all the Courts in the Division of Arakan during the year 1868.

Description of suits.		Rejected.	Decided on trial. In favor of Plaintiff or Appellant.	Decided on trial. In favor of Defendant or Respondent.	Decided Ex-parte.	Compromised.	Withdrawn or dismissed in default.	Transferred.	Total
Appeals.	Commissioner's Court...	7	1	4	...	...	1	...	13
	Akyab District.								
	Deputy Commissioner's Court...	6	45	81	1	2	2	...	137
	Ramree District.								
	Deputy Commissioner's Court...	7	16	23	...	...	4	...	50
	Sandoway District.								
	Deputy Commissioner's Court...	1	17	23	1	...	...	2	44
	Northern Arakan.								
	Hill Tribes Superintendent's Court	...	...	...	...	...	...	...	...
	TOTAL...	21	79	131	2	2	7	2	244

Original Suits.

Akyab District.								
Deputy Commissioner's Court...	...	...	...	...	...	...	...	...
Akyab 1st Assistant Commissioner's Court ...	...	...	...	...	...	...	...	...
do. 2nd do. do. do. ...	35	65	30	11	5	6	...	152
Naaf Extra Asstt. Commr's. Court 1st Class ...	22	57	11	16	46	26	...	178
Koladan do. ... do. ...	2	21	3	...	10	3	...	39
Akyab Extra Asstt. Commr's. Court 2nd Class...	4	461	155	193	144	129	...	1,086
Mrohoung do. 3rd do...	...	69	26	9	24	91	...	219
Rathaidoung do. do. do...	2	44	10	26	28	29	...	139
Minbya do. do. do...	...	42	24	8	15	43	...	132
Ooyittoung East do. do. do...	...	23	9	10	26	30	...	98
do. West do. do. do...	...	28	12	3	12	15	...	70
TOTAL...	65	810	280	276	310	372	...	2,113
Ramree District.								
Deputy Commissioner's Court...	...	1	...	...	...	1	...	2
Kyouk Phyoo Ex. Asstt. Commr's. Court 1st Class	3	61	25	31	9	35	...	164
Ramree do. do. 3rd do.	3	59	27	51	6	62	...	208
Aeng do. do. do. do.	...	37	12	6	19	7	...	81
Cheduba do. do. do. do.	...	34	21	8	11	18	...	92
TOTAL...	6	192	85	96	45	123	...	547
Sandoway District.								
Deputy Commissioner's Court...	...	1	...	...	...	...	...	1
Sandoway Extra Asstt. Commr's. Court 2nd Class	...	109	40	23	14	16	...	202
Northern Division do. do. 3rd do.	...	59	21	3	10	3	...	96
Southern do. do. do. do. do.	...	28	16	11	20	9	...	84
TOTAL...	...	197	77	37	44	28	...	383

No. III.—*(Continued).*

Description of suits.		Rejected.	Decided on trial.		Decided Ex-parte.	Compromised.	Withdrawn or dismissed in default.	Transferred.	Total.
			In favor of Plaintiff or Appellant.	In favor of Defendant or Respondent.					
	Northern Arakan.								
	Hill Tribes Superintendent's Court... ...	...	2	...	...	...	...	...	2
	Assistant do. do.	...	...	...	...	...	...	...	...
	TOTAL...	...	2	...	...	...	...	...	2
	GRAND TOTAL...	71	1,201	442	409	399	523	...	3,045
Miscellaneous Cases.	Commissioner's Court...	...	...	...	...	...	1	...	1
	Akyab District.								
	Deputy Commissioner's Court...	9	27	11	...	...	3	...	50
	Akyab 1st Assistant Commissioner's Court ...	3	8	...	...	2	...	14	27
	Do. 2nd do. do. ...	9	76	1	...	...	...	2	88
	Naaf Extra Asstt Commr's. Court 1st Class ...	38	52	8	1	16	25	...	140
	Koladan do. do. do. ...	2	7	...	...	1	7	...	17
	Akyab do. 2nd do. ...	35	340	153	270	155	226	...	1,179
	Mrohoung do. 3rd do. ...	1	48	1	...	...	12	...	62
	Rathaideung do. do. do. ...	...	25	2	...	...	11	...	38
	Minbya do. do. do. ...	...	17	...	...	...	5	...	22
	Ooyittoung East do. do. do. ...	...	31	...	...	...	...	...	31
	do. West do. do. do. ...	...	9	...	...	4	3	...	16
	TOTAL...	97	640	176	271	178	292	16	1,670

Miscellaneous Cases.

Ramree District.								
Deputy Commissioner's Court...	...	7	2	...	...	2		11
Kyouk Phyoo Ex. Asstt. Commr's. Court 1st Class	...	79	2	...	1	9		91
Ramree do. do. 3rd do.	2	86	6	...		42		136
Aeng do. do. do. do.	...	8	...	...		1		9
Cheduba do. do. do. do.	...	25	2	...	2	3		32
TOTAL...	2	205	12	...	3	57		279
Sandoway District.								
Deputy Commissioner's Court...	2	3	2	...	...			7
Sandoway Extra Asstt. Commr's. Court 2nd Class	3	132	38	...	1			174
Northern Division do. do. 3rd do.	...	14	1	...	...			15
Southern do. do. do. do.	...	6	1	...	3	2		12
TOTAL...	5	155	42	...	4	2		208
Northern Arakan.								
Hill Tribes Superintendent's Court.	...	...	...	...	...			
Assistant Superintendent's do.	...	...	...		...			
TOTAL...	...	...	...		...			
GRAND TOTAL...	104	1,000	230	271	185	352	16	2,158

AKYAB
The 4th March 1869.

J. F. J. STEVENSON,
Commissioner of Arakan.

No. IV.

SUPPLEMENTARY Civil Return of the Division of Arakan for the year 1868.

COURTS.	Longest period any case on the file at the close of the year 1868.		Average duration of suits disposed of during the year 1868.		Total amount value of suits instituted during the year 1868.			Amount of Stamps in Law papers filed during the year 1868.			Cost of every description inclusive of Stamps and Pleaders fees incurred by Parties in suits disposed of during the year 1868.		
	Months.	Days.	Months.	Days.	Rupees.	As.	P.	Rupees.	As.	P.	Rupees.	As.	P.
Commissioner's Court...	...	...	...	7	665	3	2	81	0	0	185	2	2
Akyab District.													
Deputy Commissioner's Court.	3	23	2	5	16,020	5	1	1,542	0	0	2,447	9	5
Ramree District.													
Deputy Commissioner's Court	...	...	...	7	5,063	7	11	568	8	0	824	2	4
Sandoway District.													
Deputy Commissioner's Court	...	...	...	9	2,719	8	0	315	6	0	430	1	9
Northern Arakan.													
Hill Tribes Superintendent's Court ...	...	...	...	...	...	0	0	...	0	0	...	0	0
Assistant Superintendent's Court ...	...	...	...	...	...	0	0	...	0	0	...	0	0
Total...	...	...	...	17	24,468	8	2	2,506	14	0	3,886	15	8

Akyab District.														
Deputy Commissioner's Court	...	...	...	...	...	0	0	...	0	0	...	0	0
Akyab 1st Asstt: Comr's: Court...	...	...	...	...	...	0	0	...	0	0	...	0	0
do. 2nd Asstt: Comr's: do.	...	13	...	3	13,252	0	6	1,132	0	0	1,381	3	0
Naaf Extra Asstt: Comr's: Court 1st Class	...	25	...	5	11,504	11	2	1,124	0	0	1,573	2	7
Koladan do. do. do.	...	14	...	12	1,631	1	6	186	8	0	698	7	6
Akyab Ex: Asstt: Comr's: Court 2nd Class	3	16	...	8	1,06,907	8	5	11,572	8	0	15,063	14	8
Mrohoung Ex: Asstt: Comr's: do. 3rd do.	...	27	...	27	12,751	11	6	1,525	0	0	2,678	0	9
Rathaidoung do. do.	...	21	...	7	7,642	11	2	772	0	0	1,347	15	6
Minbya do. do.	...	...	...	9	7,130	3	2	787	13	0	1,372	14	0
Ooyittoung East do. do.	...	...	...	18	4,759	1	4	502	8	0	893	2	9
do. West do. do.	...	...	...	15	5,749	12	5	648	0	0	1,285	9	0
Total...	...	...	...	9	1,71,328	13	2	18,250	5	0	26,294	5	9
Ramree District.														
Deputy Commissioner's Court	...	...	...	9	116	0	0	12	8	0	27	12	0
Kyouk Phyoo Ex: Asstt: Commrs': Court 1st Class	...	....	...	11	9,386	3	2	1,148	8	0	2,261	6	6
Ramree Extra Asstt: Commrs: Court 3rd Class	...	....	...	6	9,685	13	7	1,164	8	0	1,679	4	0
Aeng do. do,	...	...	...	17	3,857	14	9	514	13	0	992	13	8
Cheduba do. do.	...	....	...	15	3,705	11	1	371	0	0	452	1	0
Total...	...	...	...	11	26,751	10	7	3,211	2	0	5,413	5	2

No. IV.—*(Continued.)*

	Longest period any case on the file at the close of the year 1868.		Average duration of suits disposed of during the year 1868.		Total amount value of suits instituted during the year 1868.			Amount of Stamps in Law papers filed during the year 1868.			Cost of very description inclusive of Stamps and Pleaders fees incurred by Parties in suits disposed of during the year 1868.		
	Months.	Days.	Months.	Days.	Rupees.	As.	P.	Rupees	As.	P.	Rupees	As.	P.
Sandoway District.					*			*					
Deputy Commissioner's Court	...	...	...	10	...	0	0	...	0	0	9	6	4
Sandoway Extra Asstt: Commr: Court 2nd Class	1	...	...	10	8,371	12	5	1,060	15	0	1,765	7	5
Northern Division do. 3rd Class ...	...	...	...	9	3,365	15	2	424	11	0	974	15	0
Southern do. do. do.	...	...	...	9	2,577	11	4	321	0	0	669	0	0
Total...	...	...	...	9	14,315	6	11	1,806	10	0	3,418	12	9
Northern Arakan.													
Hill Tribes Superintendent's Court ...	...	...	...	2	23	0	0	...	0	0	1	8	0
Assistant Superintendent's do.	...	...	...	...	...	0	0	...	0	0	0	0	0
Total...	...	...	...	2	23	0	0	...	0	0	1	8	0
Grand Total...	...	...	...	7	2,12,418	14	8	23,268	1	0	35,127	15	8

Commissioner's Court	...	....	...	2	475	0	0	3	0	0	5	0	0
Akyab District.													
Deputy Commissioner's Court	6	23	1	2	850	5	10	21	0	0	55	15	8
Akyab 1st Asstt: Commr: Court	...	...	...	10	5,672	11	9	6	8	0	56	10	0
2nd do. do.	...	8	...	8	14,790	8	3	54	8	0	129	10	0
Naaf Ex: Asstt: Commr: Court 1st Class	...	...	...	1	4,697	15	6	34	5	0	46	8	9
Koladan do. do,	...	4	...	15	700	13	3	15	0	0	299	9	3
Akyab Extra Asstt: Commr: Court 2nd Class	1	4	...	5	1,44,818	12	1	1,067	8	0	1,632	11	0
Mrohoung do 3rd do.	...	...	...	4	4,527	5	10	30	0	0	173	8	0
Rathaidoung do. do. do.	11	...	...	5	3,451	13	2	23	8	0	118	14	0
Minbya do. do. do.	...	...	...	9	1,172	3	[illegible]	15	8	0	60	6	0
Ooyittoung East do. do. do.	...	...	...	18	1,550	15	1	15	8	0	120	12	5
do. West do. do. do.	...	...	...	15	1,146	3	8	19	4	0	119	9	0
Total	...	...	...	11	1,83,380	11	7	1,302	9	0	2,814	2	1
Ramree District.													
Deputy Commissioner's Court	1	20	...	21	250	1	3	31	8	0	35	0	0
Kyouk Phyoo Extra Asstt: Commr: Court 1st Class	...	...	...	13	7,016	13	7	76	0	0	164	6	0
Ramree Extra Asstt: Commr's: Court 2ndClass	...	...	...	6	6,134	4	3	132	0	0	191	[illegible]	0
Aeng do. do. do.	...	...	...	16	785	10	4	9	1	0	52	6	1
Cheduba do. do. do.	...	...	...	4	2,392	4	10	21	9	0	72	6	4
Total...	...	...	...	12	16,579	2	[illegible]	270	2	0	515	[illegible]	5

No. IV.—(*Continued.*)

Courts	Longest period any case on the file at the close of the year 1868.		Average duration of suits disposed of during the year 1868.		Total amount value of suits instituted during the year 1868.			Amount of Stamps in Law papers filed during the year 1868.			Cost of every description inclusive of Stamps and Pleaders fees incurred by Parties in suits disposed of during the year		
	Months.	Days.	Months.	Days.	Rupees.	As.	P.	Rupees.	As.	P.	Rupees.	As.	P.
Sandoway District.													
Deputy Commissioner's Court	1	...	...	6	460	8	0	11	8	0	28	9	4
Sandoway Extra Asstt: Commr: Court 2nd Class	1	...	...	9	6,807	2	2	154	9	0	419	15	3
Northern Division do 3rd Class ...	...	...	...	10	443	8	6	15	1	0	39	13	7
Southern do do do	...	...	...	13	360	6	6	12	0	0	42	5	0
Total ...	...	...	...	9	8,071	9	2	193	2	0	530	11	2
Northern Arakan.													
Hill Tribes Superintendent's Court ...	...	...	...	...	...	0	0	...	0	0	...	0	0
Assistant do do	...	...	...	...	...	0	0	...	0	0	...	0	0
Total ...	...	...	...	...	...	0	0	...	0	0	...	0	0
Grand Total ...	...	...	...	6	2,08,506	7	0	1,768	13	0	3,865	2	8

AKYAB,
The 4th March 1869

* The value of suits disposed of by the Deputy Commissioner is Rupees 20-1-0 and the amount of Stamps filed is Rupees 4-10-0.

J. F. J. STEVENSON.
Commissioner of Arakan

A.

AVERAGE duration of Suits in the Civil Courts of Arakan Division for 1868 *as called for by Chief Courts' Order Memo. No.* 01992 *dated* 1*st July* 1864.

COURTS.	APPEALS.		ORIGINAL.		MISCELLANEOUS.	
	Months	Days	Months	Days	Months	Days
Commissioner's Court	...	7	...	...	...	2
Akyab District.						
Deputy Commissioner's Court...	2	5	...	...	1	2
Akyab 1st Assistant Commissioner's Court ...	...	...	...	...	...	10
„ 2nd Do. Do. ...	...	...	...	3	...	8
Naaf Ex: Asst. Commissioner's Court 1st Class	...	...	...	5	...	1
Koladan Do. Do. Do.	...	...	...	12	...	15
Akyab Do. Do. 2nd Class	...	...	...	8	...	5
Mrohoung Do. Do. 3rd Class	...	...	...	27	...	4
Rathaidoung Do. Do. Do.	...	...	...	7	...	5
Minbya Do. Do. Do.	...	...	...	9	...	9
Ooyittoung East Do. Do. Do.	...	...	...	18	...	18
Do. West Do. Do. Do.	...	...	...	15	...	15
Total.....	2	5	...	9	...	11
Ramree District.						
Deputy Commissioner's Court...	...	7	...	9	...	21
Kyouk Phyoo Ex: Asst. Comr's Court 1st Class	...	...	...	11	...	13
Ramree Do. Do. 3rd Class	...	...	...	6	...	6
Aeng Do. Do. Do.	...	...	...	17	...	16
Cheduba Do. Do. Do.	...	...	...	15	...	4
Total.....	...	7	...	11	...	12
Sandoway District.						
Deputy Commissioner's Court...	...	9	...	10	...	6
Sandoway Ex: Asst. Comr's Court 2nd Class...	...	...	...	10	...	9
Northern Division Do. Do. 3rd Class...	...	...	...	9	...	10
Southern Do. Do. Do. Do. ...	...	...	...	9	...	13
Total.....	...	9	...	9	...	9
Northern Arakan.						
Hill Tribes Superintendent's Court	...	...	...	2		..
Assistant Superintendent's Court	...	...	...	...	...	...
Total.....	...	...	...	2	...	...
GRAND TOTAL.....	...	17	...	7	...	6

J. F. J. STEVENSON,
Commissioner of Arakan.

AKYAB,
The 4th March 1869.

B.

STATEMENT showing the result of Appeals and Second Appeals in Civil Suits from all the Courts in the Division of Arakan in 1868 *called for by letter No.* 02190 *dated* 12*th June* 1865 *from the Chief Court of British Burma.*

	Number rejected.	Decree for Appellant on trial.	Decree for Respondent on trial.	Otherwise settled or adjusted.	Total.
1. From the Deputy Commissioner's to Commissioner of Arakan From Superintendent of Hill Tribes Northern Arakan to ditto.	.....	...	...	...	...
2. From Assistant Commissioner's and Extra Assistant Commissioners' of 1st 2nd and 3rd Class to Deputy Commissioner ...	14	78	127	12	231
3. Second Appeals to Commissioner of Arakan	7	1	4	1	13
Total	21	79	131	13	244

AKYAB,
The 4*th March* 1869.

J. F. J. STEVENSON.

Commissioner of Arakan.

C.

STATEMENT showing result of Appeals and Second Appeals in all the Courts, Division of Arakan during 1868 *vide Chief Commissioner's letter No.* 284 *dated* 27*th February* 1866.

Courts from which the Second Appeals and Appeals were preferred.	Arakan Division.				
	Decree for Respondent.	Decree of Lower Court reversed or modified.	Rejected.	Otherwise settled.	Total.
From Deputy Commissioners' to Commissioner of Arakan	...	...	...	...	...
" Superintendent of Hill Tribes N. A. to do do	...	...	...	...	...
" Assistant Commissioners' to Deputy Commissioner	18	9	3	1	31
" Ex. Assistant Commissioners' 1st Class to do	24	11	5	2	42
" Ex. Assistant Commissioners' 2nd Class (Tsit-kay) to do ...	43	17	1	4	65
" Ex. Assistant Commissioners' 3rd Class (Myooke's) to do ...	42	41	5	5	93
Second Appeals to Commissioner of Arakan	4	1	7	1	13
Total	131	79	21	13	244

AKYAB,
The 4th March 1869.

J. F. J. STEVENSON,
Commissioner of Arakan

STATEMENT showing the duration of Civil Cases in each
during the year 1868 *called for by the Chief*

Grade of Court.	Number of Cases decided					
	1 Day	2 days.	3 „	4 „	5 „	6 „
Akyab District.						
Deputy Commissioner's Court	...	...	...	...	...	...
Assistant Commissioner's Court	65	20	16	13	9	7
Ex: Assistant Commissioner's 1st Class ...	21	17	31	26	18	17
do. do. 2nd do. ...	34	106	131	87	74	56
do. do. 3rd do. ...	6	20	35	59	71	93
Total... ...	126	163	213	185	172	173
Ramree District.						
Deputy Commissioner's Court	1	...	...	...	..	...
Ex: Assistant Commissioner's 1st Class ...	6	1	2	5	4	6
do. do. 3rd do. ...	8	21	17	27	33	16
Total... ...	15	22	19	32	37	22
Sandoway District.						
Deputy Commissioner's Court	...	...	...	...	...	...
Ex: Assistant Commissioner's 2nd Class ...	6	13	24	22	13	9
do. do. 3rd do. ...	8	19	22	18	12	17
Total... ...	14	32	46	40	25	26
Northern Arakan.						
Superintendent's Court	...	2	...	...	...	...
Assistant Superintendent's Court	...	...	...	...	...	...
Total... ...	...	2	...	...	...	...
Grand Total	155	219	278	257	234	221

Akyab,
The 4th March, 1869.

D.

grade of Court in each District of the Division of Arakan Commissioner's No. 1839 *dated* 16*th August* 1866.

WITHIN DAYS AS UNDER.												
7 „	8 „	9 to 15 Days.	16 „ 24 „	25 „ 30 „	31 „ 45 „	46 „ 60 „	61 to 90 Days.	91 to 120 „	Total number of cases.	Total number of days.	Average duration of each. M	Average duration of each. D	REMARKS.
...	...	...	...	...	...	...	...	...	...	...	...	...	
4	12	4	3	...	...	...	...	...	152	494	...	3.25	
18	15	44	1	4	1	2	2	...	217	1,468	...	6.76	
59	69	72	161	101	88	47	7	3	1,086	8,959	...	8.24	
64	71	120	58	35	20	3	2	1	658	6,738	...	10.24	
145	158	239	223	140	109	52	11	4	2,113	17,659	...	8.35	
...	...	...	1	...	...	...	...	...	2	18	...	9.	
8	3	43	34	14	17	14	7	...	164	3,452	...	21.04	
27	10	83	76	35	18	9	...	1	381	5,049	...	13.25	
35	13	126	111	49	35	23	7	1	547	8,519	...	15.57	
...	...	1	...	...	...	...	...	...	1	10	...	10.	
9	8	41	27	15	9	5	1	...	202	2,110	...	10.44	
11	8	41	11	5	4	2	1	1	180	1,677	...	9.31	
20	16	83	38	20	13	7	2	1	383	3,797	...	9.91	
...	...	...	...	...	...	...	...	...	2	4	...	2.	
...	...	...	...	...	...	...	...	...	...	...	...	...	
...	...	...	...	...	...	...	...	...	2	...	...	2.	
200	187	448	372	209	157	82	20	6	3,045	29,979	...	9.84	

J. F. J. STEVENSON,
Commissioner of Arakan.

E.

STATEMENT shewing the proportion in which Appeals from each grade of Court were decided or otherwise dealt with in the Arakan Division of British Burma during 1868 *called for by Chief Commissioner's No.* 1839 *dated* 16*th August* 1866

	From Deputy Commissioner's Court to Commissioner.	From Superintendent of Hill Tribes N. A. to Commissioner.	From Assistant Commissioner's Court to Deputy Commissioner.	From E. A. Commissioner's 1st Class to Deputy Commissioner.	From Extra Assistant Commissioner's 2nd Class (Tsit-kay's) to Deputy Commissioner.	From Extra Assistantat 3rd Class Myooke's to Deputy Commissioner.	Total.
	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	
Judgement confirmed including rejected cases	84.62	0.0	65.52	69.05	63.77	47.47	
Modified or reversed	7.69	0.0	31.03	26.19	24.63	41.41	
Otherwise disposed of...	7.69	0.0	3.45	4.76	5.80	5.05	
Pending..	0.0	0.0	0.0	0,0	5.80	6.06	

AKYAB;
The 4th March 1869.

J. F. J. STEVENSON,
Commissioner of Arakan.

F.

DETAILED Statement of Miscellaneous Cases and those arising under Section 22 of Act 1 of 1863 Institute disposed of and pending as entered in Columns 4-8-12 and 16 of Statement No. 1 in the Courts of the Arakan Division for the year 1868.

	Nature of Cases.	Pending.		Instituted.		Disposed of		Pending.	
		Appeals	Miscellaneous Cases	Appeals	Miscellaneous Cases	Appeals	Miscellaneous Cases	Appeals	Miscellaneous Cases
1.	Executive of Decree	...	9	3	1007	3	1001	...	15
2.	Objections to attachment of property in execution of Decree	...	1	2	134	2	134	...	1
3.	Claims to sue as a pauper	...	...	...	4	...	4	...	...
4.	Claims under Act XIX of 1841	...	...	...	1	...	1	...	...
5.	Cases under Act XXXVI of 1858	...	...	...	...	...	...	...	...
6.	Cases under Act XL of 1858, and Act IX of 1861	...	...	...	5	...	5	...	...
7.	Cases under Act XXVII of 1860	...	...	...	23	...	21	...	2
8.	All other Miscellaneous Cases not included above	1	4	8	983	8	979	...	9
	Total.....	1	14	13	2157	13	2145	...	27

J. F. J. STEVENSON,
Commissioner of Arakan.

Akyab,
The 4th March 1869.

No. 1.

STATEMENT *of Suits of every description instituted disposed of, and pending before all the Courts European and Native in the Division of Pegu for the year* 1868.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
COURTS.	No. of Suits pending at the close of the year 1867.				Number of Suits instituted during the year 1868.				Number of Cases disposed of during the year 1868.				No. of Cases pending at the close of the year 1868			
	Appeals.	Original suits.	Miscellaneous cases.	Total.	Appeals.	Original suits.	Miscellaneous cases.	Total.	Appeals.	Original suits.	Miscellaneous cases.	Total.	Appeals.	Original suits.	Miscellaneous cases.	Total.
Commr's Court	3	...	1	4	50	...	40	90	45	...	40	85	8	...	1	9
Cantonment	...	7	...	7	...	230	...	230	...	236	...	236	...	1	...	1
Rangoon District.																
Deputy Commissioner	...	...	...	...	91	1	8	100	84	1	7	92	7	...	1	8
Assistant do.	...	5	...	5	...	81	57	138	...	75	53	128	...	11	4	15
Extra Asst: Commissioner 1st Class.....	...	1	1	2	...	191	41	232	...	187	42	229	...	5	...	5
Extra Asst: Commissioner 3rd Class.....	...	96	12	108	...	1,645	291	1,936	...	1,724	293	2,017	...	17	10	27
Total ...	...	102	13	115	91	1,918	397	2,406	84	1,987	395	2,466	7	33	15	55

Bassein District.																
Deputy Commissioner	7	...	...	7	121	...	25	146	117	...	25	142	11	...	...	11
Assistant do.	...	6	1	7	...	225	64	289	...	230	65	295	...	1	...	1
Ex: Asst: do. 1st Class	...	2	3	5	...	460	86	546	...	459	83	542	...	3	6	9
do. do. 2nd do.	...	8	...	8	...	504	140	644	...	511	140	651	...	1	...	1
do. do. 3rd do.	...	15	4	19	...	1,547	209	1,756	...	1,554	210	1,764	...	8	3	11
Total ...	7	31	8	46	121	2,736	524	3,381	117	2,754	523	3,394	11	13	9	33
Myanoung District.																
Deputy Commissioner	96	...	...	96	139	...	33	172	136	...	33	169	99	...	...	99
Assistant do.	...	...	...	...	...	51	21	72	...	51	20	71	...	...	1	1
Ex: Asst: do. 1st Class	...	...	...	...	...	40	12	52	...	40	12	52	...	...	...	...
do. do. 2nd do.	...	...	...	...	...	433	65	498	...	430	65	495	...	3	...	3
do. do. 3rd do.	...	1	3	4	...	2,248	288	2,536	...	2,245	291	2,536	...	4	...	4
Total ...	96	1	3	100	139	2,772	419	3,330	136	2,766	421	3,323	99	7	1	107
Prome District.																
Deputy Commissioner	22	...	...	22	244	1	108	353	260	1	105	366	6	...	3	9
Asst. Commissioners..	...	...	...	...	...	93	74	167	...	91	68	159	...	2	4	6
Extra Assistant Commissioner 1st Class...	...	1	...	1	...	...	...	...	...	1	...	1	...	...	2	2
Do do 2nd do...	...	10	...	10	...	921	302	1,223	...	925	288	1,213	...	6	14	20
Do do 3rd do...	...	46	...	46	...	2,005	242	2,247	...	2,023	232	2,255	...	28	10	38
TOTAL... ...	22	57	...	79	244	3,020	726	3,990	260	3,041	693	3,994	6	36	33	75

NOTE BY THE DEPUTY COMMISSIONER. The yearly Return for 1867 shewed 56 cases pending at the end of the year this was wrong, on going through Returns it was found that there were only 46 cases pending before the Myookes at the commencement of the year 1868.

No. 1 (*Continued.*)

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Courts.	No. of Suits pending at the close of the year 1867.				Number of Suits Instituted during the year 1868.				Number of cases disposed of during the year 1868.				No. of cases pending at the close of the year 1868.			
	Appeals.	Original suits.	Miscellaneous cases.	Total.	Appeals.	Original suits.	Miscellaneous cases.	Total.	Appeals.	Original suits.	Miscellaneous cases.	Total.	Appeals.	Original suits.	Miscellaneous cases.	Total.
Toungoo District.																
Deputy Commissioner	2	...	...	2	138	...	231	369	136	...	231	367	4	...	...	4
Asst. Commissioner	...	3	...	3	...	51	58	109	...	54	58	112	...	...	...	...
Extra Assistant Commissioner 2nd Class...	...	5	...	5	...	715	525	1,240	...	713	524	1,237	...	7	1	8
Do do 3rd do ...	...	...	...	...	...	500	85	585	...	500	85	585	...	...	...	...
Total ...	2	8	...	10	138	1,266	899	2,303	136	1,267	898	2,301	4	7	1	12
Grand Total ...	130	206	25	361	783	11,942	3,005	15,730	778	12,051	2,970	15,799	135	97	60	292

Rangoon,
20*th April* 1869.

R. D. ARDAGH, Lt. Colonel,
Commissioner of Pegu.

No.

CLASSIFICATION of Appeals and Original Suits instituted before
Column 7 of

APPEALS.

	Before Commissioner.	Rangoon.		Bassein.		Myan-oung.		Prome.	
		Deputy Commissioner.	Total.	Deputy Commissioner.	Total.	Deputy Commissioner.	Total.	Deputy Commissioner.	Total.
I. Suits Connected with moveable property.									
1. Houses.	...	5	5	10	10	...	...	1	1
2. Land.	32	19	19	14	14	30	30	70	70
3. Mortgage.	...	...	...	1	1	...	...	2	2
4. Fisheries.	...	2	2	2	2	...	...	...	...
5. Inheritance.	...	...	...	...	...	...	...	1	1
6. Other Cases.	1	...	...	1	1	1	1	6	6
II. Suits not Connected with immoveable property.									
1. Debt.	7	32	32	35	35	17	17	43	43
2. Damages for Breach of Contract or loss or injury to property	...	3	3	...	...	...	...	12	12
3. Damages for Personal injuries or wrongs.	4	3	3	13	13	48	48	51	51
4. Marriage or Divorce. ...	...	...	...	...	...	3	3	4	4
5. Inheritance.	...	...	...	2	2	40	40	...	...
6. Other Cases.	6	27	27	43	43	...	...	54	54
TOTAL.	50	91	91	121	121	139	139	244	244

2.

all the Courts in the Division of Pegu during the Year 1868, *as per Statement I.*

ORIGINAL.														
Toungoo.			Rangoon.						Bassein.					
Deputy Commissioner.	Total.	Grand Total.	Cantonment Assistant Commissioner.	Deputy Commissioner.	Assistant Commissioner.	Extra Assistant Commissioner 1st Class.	Extra Assistant Commissioner 3rd Class.	Total.	Deputy Commissioner.	Assistant Commissioner.	Extra Assistant Commissioner 1st Class.	Extra do do 2nd Class.	Extra do do 3rd Class.	Total.
2	2	18	...	...	2	3	12	17	...	...	4	11	6	...	21
25	25	190	...	...	2	6	40	48	...	4	11	11	26	...	52
2	2	5	...	...	...	...	2	2	...	2	...	...	1	...	3
1	1	5	...	...	4	2	10	16	...	...	3	...	11	...	14
1	1	2	...	...	...	...	1	1	...	...	1	1	1	...	3
4	4	13	...	...	...	...	14	14	...	...	...	...	2	...	2
36	36	170	230	...	24	50	406	710	...	162	83	103	501	...	849
8	8	23	...	...	10	41	50	101	...	15	50	191	105	...	361
...	...	119	...	...	1	3	84	88	...	3	54	75	282	...	414
1	1	8	...	...	4	8	101	113	...	4	34	86	145	...	269
3	3	45	...	...	...	8	9	17	...	...	3	4	13	...	20
55	55	185	...	1	34	70	916	1,021	...	35	217	22	454	...	728
138	138	783	230	1	81	191	1,645	2,148	...	225	460	504	1,547	...	2,736

No. 2.

CLASSIFCATION of Appeals and Original Suits instituted before
Column 7 of

ORIGINAL.

	Myanoung.					
	Deputy Commissioner.	Assistant Commissioner.	Extra Assistant Commissioner 1st Class.	Extra do do 2nd Class.	Extra do do 3rd Class.	Total.
I. Suits Connected with moveable property.						
1. Houses	...	...	...	1	6	7
2. Land	...	2	1	27	68	98
3. Mortgage	...	...	1	...	3	4
4. Fisheries	...	...	...	4	...	4
5. Inheritance	...	...	1	...	6	7
6. Other Cases...	...	1	2	18	49	70
II. Suits not Connected with immoveable property.						
1. Debt...	...	19	10	91	487	607
2. Damages for Breach of Contract or loss or injury to property	...	10	6	72	366	454
3. Damages for Personal injuries or wrongs	...	7	5	63	264	339
4. Marriage or Divorce	...	7	4	79	256	346
5. Inheritance	...	...	...	...	2	2
6. Other Cases...	...	5	10	78	741	834
TOTAL	...	51	40	433	2,248	2.772

RANGOON,
20th April 1869.

(Continued.)

all the Courts in the Division of Pegu during the Year 1868, *as per Statement I.*

ORIGINAL.

Prome.						Toungoo.					
Deputy Commissioner.	Assistant Commissioner.	Extra Assistant Commissioner 1st Class.	Extra do do 2nd Class.	Extra do do 3rd Class.	Total.	Deputy Commissioner.	Assistant Commissioner.	Extra Assistant Commissioner 1st Class.	Extra do do 3rd Class.	Total.	Grand Total.
...	1	...	3	4	8	...	...	3	1	4	57
...	...	...	4	174	178	...	...	2	38	40	416
...	...	...	...	7	7	...	...	...	5	5	21
...	...	...	...	...	...	...	...	1	8	9	43
...	...	...	2	3	5	...	1	27	36	64	80
...	1	...	2	22	25	...	...	...	...	...	111
...	33	...	268	402	703	...	27	277	111	415	3,284
...	...	...	1	69	70	...	5	7	27	39	1,025
...	4	...	18	432	454	...	...	1	...	1	1,296
...	2	...	49	237	288	...	...	82	54	136	1,152
...	...	...	18	2	20	...	...	2	3	5	64
1	52	...	556	653	1,262	...	18	313	217	548	4,393
1	93	...	921	2,005	3,020	...	51	715	500	1,266	11,942

R. D. ARDAGH, LT. COLONEL,

Commissioner of Pegu.

No. 3.

STATEMENT of Suits disposed of by all the Courts in the Division of Pegu during the year 1868.

Suits.	Courts.	Rejected.	Decided on Trial.		Decreed Exparte.	Compromised.	Withdrawn dismissed in default or otherwise disposed of.	Transferred or Remanded.	Total.
			In favor of Appellant or Plaintiff.	In favor of Respondent or Defendant.					
Appeals.	Commissioner's Court ...	6	9	21	...	...	2	7	45
	Rangoon District.								
	Deputy Commissioner ...	...	40	38	...	2	4	...	84
	Bassein District.								
	Deputy Commissioner ...	13	44	43	...	2	9	6	117
	Myanoung District.								
	Deputy Commissioner ...	4	61	52	4	...	15	...	136
	Prome District.								
	Deputy Commissioner ...	2	115	140	...	1	2	...	260
	Toungoo District.								
	Deputy Commissioner ...	...	50	58	...	...	...	28	136
	Total ...	25	319	352	4	5	32	41	778

No. 3 *(Continued.)*

Suits.	Courts.	Rejected.	Decided on trial.		Decreed Exparte.	Compromised.	Withdrawn dismissed in default or otherwise disposed of.	Transferred.	Total.
			In favor of Appellant or Plaintiff.	In favor of Respondent or Defendant.					
Original.	Cantonment ...	...	59	27	105	10	35	...	236
	Rangoon District.								
	Dy. Commissioner.	...	...	1	...	...	...	...	1
	Asst. do ...	...	43	10	1	5	16	...	75
	Ex: Asst. do 1st Class.	...	96	17	13	13	48	...	187
	Do do 3rd „	...	616	155	141	123	689	...	1,724
	Total...	...	755	183	155	141	753	...	1,987
	Bassein District.								
	Dy. Commissioner.	...	...	...	...	...	...	...	...
	Asst. do ...	...	138	1	15	15	61	...	230
	Ex: Asst. do 1st Class.	...	206	55	46	73	79	...	459
	Do do 2nd „	...	268	57	35	22	129	...	511
	Do do 3rd „	...	628	220	128	189	389	...	1,554
	Total...	...	1,240	333	224	299	658	...	2,754
	Myanoung District.								
	Dy. Commissioner.	...	...	...	...	...	...	...	...
	Asst. do ...	...	31	6	2	4	8	...	51
	Ex: Asst. do 1st Class.	...	19	5	1	5	10	...	40
	Do do 2nd „	...	214	64	63	22	67	...	430
	Do do 3rd „	...	982	257	233	374	399	...	2,245
	Total...	...	1,246	332	299	405	484	...	2,766

No. 3 (*Continued.*)

Suits.	Courts.	Rejected.	Decided on trial. In favor of Appellant or Plaintiff.	Decided on trial. In favor of Respondent or Defendant.	Decreed Exparte.	Compromised.	Withdrawn dismissed in default or otherwise disposed of	Transferred.	Total.
ORIGINAL.	*Prome District.*								
	Dy. Commissioner. ...		...	1	...	...	...	...	1
	Asst. do ...	...	55	14	3	16	3	...	91
	Ex: Asst, do 1st Class. ...		...	...	...	...	...	1	1
	Do do 2nd „ ...		512	79	132	49	147	6	925
	Do do 3rd „	7	973	298	97	238	409	1	2,023
	Total...	7	1.540	392	232	303	559	8	3,041
	Toungoo District.								
	Dy. Commissioner. ...		...	...	...	...	...	...	...
	Asst. do. ...	...	37	8	1	3	4	1	54
	Ex: Asst. do. 2nd Class. ...		418	129	101	45	16	4	713
	Do do. 3rd „ ...		282	118	38	47	15	...	500
	Total... ...		737	255	140	95	35	5	1,267
	Grand Total...	7	5,577	1,522	1,155	1,253	2,524	13	12,051

No. 3 (*Continued.*)

Suits.	Courts.	Rejected.	Disposed of on Trial.		Decreed Exparte.	Compromised.	Withdrawn dismissed in default or otherwise disposed of.	Transferred.	Total.
			In favor of Appellant or Plaintiff.	In favor of Respondent or Defendant.					
Miscellaneous.	Commr's. Court....	4	6	...	...	...	26	4	40
	Rangoon District								
	Dy. Commissioner....		6	1	...	...	...	...	7
	Asst. do ...	...	34	14	...	4	1	...	53
	Ex; Asst. do 1st Class.	...	13	3	...	19	7	...	42
	Do do 3rd „	...	151	29	10	71	32	...	293
	Total...	...	204	47	10	94	40	...	395
	Bassein District.								
	Dy. Commissioner	1	19	4	...	...	1	...	25
	Asst. do ...	...	61	1	...	...	3	...	65
	Ex: Asst. do 1st Class.	...	65	13	...	...	5	...	83
	Do do 2nd „	...	126	11	...	2	1	...	140
	Do do 3rd „	...	191	7	...	7	5	...	210
	Total...	1	462	36	...	9	15	...	523
	Myanoung District.								
	Dy. Commissioner	...	2	...	...	...	31	...	33
	Asst. do ...	...	13	4	...	...	3	...	20
	Ex: do do 1st Class.	...	6	...	...	...	6	...	12
	Do do 2nd „	...	65	...	...	...	...	...	65
	Do do 3rd „	...	245	21	...	22	3	...	291
	Total...	...	331	25	...	22	43	...	421

No. 3 *(Continued.)*

Suits.	Courts.	Rejected.	Disposed of on trial.		Decreed Exparte.	Compromised.	Withdrawn dismissed in default or otherwise disposed of.	Transferred.	Total.
			In favor of Appellant or Plaintiff.	In favor of Respondent or Defendant.					
Miscellaneous.	*Prome District.*								
	Dy. Commissioner	7	94	...	...	...	1	3	105
	Asst. do ...	1	33	3	...	11	15	5	68
	Ex: Asst do 1st Class.	...	...	...	...	...	...	...	...
	Do do 2nd „	...	216	25	1	19	18	9	288
	Do do 3rd „	1	164	16	1	32	18	...	232
	Total...	9	507	44	2	623	52	17	693
	Toungoo District.								
	Dy. Commissioner.	15	162	54	...	...	...	...	231
	Asst. do ...	...	32	4	...	1	...	21	58
	Ex: Asst. do 2nd Class.	...	439	50	...	4	10	21	524
	Do do 3rd „	...	82	3	...	...	...	...	85
	Total...	15	715	111	...	5	10	42	898
	Grand Total...	29	2,225	263	12	192	186	63	2,970

RANGOON,
20th. April 1869.

R. D. ARDAGH, Lt. Col.
Commissioner of Pegu.

No. 4.

SUPPLEMENTARY Civil Return of the Division of Pegu for the year 1868.

1	2	3		4		5			6			7			8
Suits.	COURTS.	Longest period any case at the close of the year was Pending.		Average duration of suits disposed of during the year.		Total amount of Value of Suits instituted during the year.			Value of Stamps in Law papers filed during the year.			Costs of every description inclusive of Stamps and Pleaders fees incurred by parties in suits disposed of during the year.			
		Months	Days	Months	Days	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	
Appeals.	Commissioner's Court	...	...	1	19	9,594	11	2	1,094	8	...	1,409	15	...	
	Rangoon District.														
	Deputy Commissioner	...	29	...	27	17,719	2	4	1,887	8	...	3,246	7	9	
	Bassein District.														
	Deputy Commissioner	1	17	2	11	12,935	14	10	1,190	8	6	2,120	15	6	
	Myanoung District.														
	Deputy Commissioner	8	27	5	23	22,297	12	7	1,870	...	...	2,279	2	3	
	Prome District.														
	Deputy Commissioner	1	25	1	9	37,242	14	3	2,296	...	...	3,423	13	4	
	Toungoo District.														
	Deputy Commissioner	...	...	...	13	22,135	7	8	1,375	...	...	1,792	9	6	
	Grand Total...	...	...	...	...	1,21,925	14	10	9,713	8	6	14,272	15	1	

No. 4.—*(Continued).*

1	2	3		4		5			6			7			8
Suits.	COURTS.	Longest period any case on the file has been pending at the close of the year.		Average duration of suits disposed of during year.		Total amount of Value of Suits instituted during the year.			Value of Stamps on Law papers filed during the year.			Costs of every description inclusive of Stamps & Pleaders fees incurred by parties in suits disposed of during the year.			
		Months	Days.	Months	Days.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	
Original.	Cantonment	2	22	...	1	10,734	8	5	966	...	...	256	5	...	Apauper case.
	Rangoon District.														
	Deputy Commissioner ...	...	...	3	10	2,000	...	...	...	...	...	...	...	...	
	Asst. Commissioners	4	...	1	23	20,099	8	...	2,015	8	...	1,994	8	...	
	Extra Asst. Commr. 1st Class...	...	8	...	7	21,522	14	...	2,243	8	...	2,906	10	6	
	Do. do. 3rd „ ...	1	2	...	13	1,29,288	8	4	14,091	4	...	17,305	1	...	
	Total.....	...	...	...	...	1,72,910	14	4	18,350	4	...	22,296	3	6	
	Bassein District.														
	Deputy Commissioner ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Asst. do. ...	1	17	...	10	15,089	8	9	1,678	5	...	2,123	5	10	
	Extra Asst. do. 1st Class...	1	8	...	7	35,317	2	3	3,153	1	...	5,151	1	10	
	Do. do. 2nd do....	...	24	...	9	26,954	4	3	2,683	2	...	4,884	3	...	
	Do. do. 3rd do....	1	26	...	11	84,897	8	8	9,488	5	...	14,544	2	10	
	Total.....	...	...	...	10	1,62,258	7	11	17,002	13	...	26,702	13	6	

Original.

Myanoung District.														
Deputy Commissioner ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Assist. Commissioner ...	1	10	...	7	9,658	13	4	958	2	...	1,367	14	...
Extra Assist. Commr. 1st Class	1	4	...	9	8,585	11	...	704	12	...	956	14	...
Do. do. do. 2nd do.	1	15	...	10	41,607	11	...	3,970	9	...	2,357	6	2
Do. do. do. 3rd do.	5	12	...	9	1,07,392	14	5	11,301	4	8	15,737	4	7
Total...	...	...	...	9	1,67,245	1	9	16,934	11	8	20,419	6	9
Prome District.														
Deputy Commissioner ...	...	...	2	22	420	...	...	88	7	...	65	...	...
Assist. Commissioner ...	...	...	...	12	87,796	1	6	5,201	10	...	11,522	11	8
Extra Assist. Commr. 1st Class	...	...	...	14	...	...	...	...	...	...	...	...	...
Do. do. do. 2nd do.	...	...	...	8	1,23,496	5	...	11,080	14	...	15,705	14	...
Do. do. do. 3rd do.	...	...	...	13	89,863	10	4	18,633	8	...	32,692	10	6
Total...	...	...	...	12	3,01,576	...	10	35,004	7	...	59,986	4	2
Toungoo District.														
Deputy Commissioner ...	...	...	...	...	...	...	...	...	...	...	...	...	...
Assistant Commissioner ...	...	...	...	15	6,231	10	8	626	...	...	884	7	...
Extra Asst. do. 2nd Class	8	26	...	11	52,923	2	5	5,558	3	...	8,106	9	...
Do. do. 3rd do.	...	1	24	5	16,840	4	6	2,021	2	...	3,441	7	3
Total.....	...	...	...	8	75,995	1	7	8,205	5	...	12,432	7	3
GRAND TOTAL.....	...	...	...	11	8,90,720	2	10	96,463	8	8	1,42,093	8	2

No. 4.—(*Continued*).

1	2	3		4		5			6			7			8
Suits.	COURTS.	Longest period any case on the file has been pending during the year.		Average duration of Suits disposed of during the year.		Total amount of value of Suits instituted during the year.			Value of Stamps on Law papers filed during the year.			Costs of every description inclusive of Stamps & Pleaders fees incurred by parties in suits disposed of during the year.			
		Months	Days	Months	Days.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	
Miscellaneous.	Cantonment	...	...	...	4	...	...	...	26	...	...	30	2	...	
	Rangoon District.														
	Deputy Commissioner ...	...	20	...	9	1,007	...	...	21	8	...	45	12	...	
	Asst. do. ...	...	26	...	8	14,144	12	6	111	4	...	382	9	...	
	Extra Asst. do. , 1st Class...	...	...	...	9	9,013	...	8	77	9	...	307	11	...	
	Do. do. 3rd do. ...	...	13	...	10	39,201	11	5	349	12	...	1,385	10	3	
	Total.....	...	...	...	10	63,366	8	7	560	1	...	2,121	10	3	
	Bassein District,														
	Deputy Commissioner ...	...	...	...	2	4,861	12	10	32	8	...	65	4	...	
	Asst. do. ...	...	...	...	2	7,830	11	5	88	4	...	253	6	...	
	Extra Asst. do. 1st Class...	...	26	...	6	13,154	3	11	131	12	1	339	14	...	
	Do. do. 2nd do....	...	...	...	3	7,825	6	6	147	...	...	652	9	...	
	Do. do. 3rd do....	...	9	...	13	14,362	2	8	197	4	...	767	2	8	
	Total.....	...	...	...	7	48,034	5	4	596	12	1	2,078	3	8	

Miscellaneous.

Myanoung District.																
Deputy Commissioner ...	...	...	...	1	.....	...	...	.....	...	...	.....	...	...			
Assistant do. ...	...	2	...	1	3497	2	...	40	8	...	129	7	...			
Extra Asst. do. 1st Class	...	7	...	3	12,470	...	...	25	...	...	100	14	...			
Do. do. 2nd do.	...	5	...	1	21,695	12	1	115	2	...	267	14	...			
Do. do. 3rd do.	...	...	...	9	25,340	7	4	416	5	...	2,380	15	4			
Total.....	3	...	...	10	63,003	5	5	596	15	...	2,87	2	4			
Prome District.																
Deputy Commissioner ...	1	15	...	4	...	...	...	67	8	...	109	14	...			
Assistant do. ...	...	...	...	13	1,50,977	7	10	81	9	...	325	6	...			
Extra Asst. do. 1st Class	...	...	...	...	...	...	...	...	...	...	...	...	...			
Do. do. 2nd do.	6	13	...	11	1,08,793	15	5	315	8	...	734	10	...			
Do. do. 3rd do.	1	11	...	10	18,251	3	1	223	1	...	1,109	9	2			
Total.....	...	...	...	10	2.78,002	10	4	687	10	...	2,279	7	2			
Toungoo District.																
Deputy Commissioner ...	...	...	...	1	.....	...	...	.....	...	...	106	11	...			
Assistant do. ...	...	...	...	3	3,651	1	10	48	...	...	73	3	...			
Extra Asst. do. 1st Class	...	...	...	...	...	...	...	.....	...	...	.....	...	...			
Do. do. 2nd do.	...	...	...	5	69,726	9	11	573	2	...	1,719	...	2			
Do. do. 3rd do.	...	...	...	3	4,191	11	11	93	5	...	274	5	...			
Total.....	...	...	...	3	79,569	7	8	714	7	.....	2,173	3	2			
GRAND TOTAL.....	...	...	...	7	5,31,996	5	4	3,181	13	1	11,561	12	7			

RANGOON,
The 20th April 1869.

R. D. ARDAGH, LT. COL.
Commissioner of Pegu.

STATEMENT showing the duration of Civil Cases in each grade of the Courts in the Pegu Division of British Burma during the year 1861.

	Courts.	Number of Cases decided within days as under.																Total Number of days.	Average duration	
		1 day.	2 days.	3 days.	4 days.	5 days.	6 days.	7 days.	8 days.	9 to 15 days.	16 to 24 days.	25 to 30 days.	31 to 45 days.	46 to 60 days.	61 to 90 days.	91 to 120 days.	Total Number of Cases.		Month	Days. of each case.
Appeals.	Commissioner of Pegu...	9	...	...	...	...	...	...	...	5	5	1	5	4	6	10	45	2,230	1	19
	Dy. Commr. Rangoon...	1	...	...	...	...	1	...	...	23	25	9	14	4	2	5	84	2,297	...	27
	Do. Bassein ...	14	...	...	...	...	...	...	...	...	2	...	5	3	18	75	117	8,262	2	11
	Do. Myanoung	...	...	...	...	...	...	...	...	...	1	...	...	4	1	130	136	23,568	5	23
	Do. Prome ...	4	2	3	7	...	2	10	1	35	45	21	44	28	36	22	260	10,263	1	9
	Do. Toungoo...	1	...	13	8	5	17	...	19	26	32	13	2	...	...	...	136	1,860	...	13
	Total.....	20	2	16	15	5	20	10	20	84	105	43	65	39	57	232	733	46,250	3	0
	Rangoon.																			
	Canton. Assist. Commr.	230	...	...	...	...	...	...	...	...	...	...	...	...	...	...	230	230	...	1
	Deputy Commissioner...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1	100	3	10
	Assistant do. ...	...	...	...	...	...	4	...	1	2	6	11	16	13	20	2	75	4,006	1	23
	Extra Commr. 1st Class	...	...	...	20	16	36	30	62	16	7	...	...	...	...	...	187	1,385	...	7
	do. do. 3rd do.	...	...	...	519	120	75	81	186	392	149	85	96	21	...	...	1,724	23,112	...	13
	Total.....	...	...	....	539	136	115	111	249	410	162	96	112	34	20	3	1,987	28,603	...	14

Original.

Bassein.																			
Deputy Commissioner...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Assist. Commissioner ...	2	14	17	30	24	21	17	12	44	35	10	2	1	1	...	230	2,293	...	10
Extra Commr. 1st Class	20	72	80	62	41	32	24	21	63	20	6	15	3	...	...	459	3,025	...	7
do. do. 2nd do.	19	39	45	46	43	54	36	39	114	50	6	10	4	5	1	511	5,009	...	9
do. do. 3rd do.	91	116	171	139	126	102	95	104	292	150	75	47	18	22	6	1,554	16,644	...	11
Total.....	132	241	313	277	234	209	172	176	513	255	97	74	26	28	7	2,756	26,971	...	10
Myanoung.																			
Deputy Commissioner...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Assistant do. ...	2	19	6	5	3	2	2	...	4	3	1	3	1	...	...	51	356	...	7
Extra Commr. 1st Class	3	2	4	7	5	3	3	1	4	2	4	2	...	...	...	40	351	...	9
do. do. 2nd do.	80	67	52	37	27	22	19	13	67	34	9	1	2	...	...	430	4,681	...	10
do. do. 3rd do.	371	320	249	157	143	123	89	67	290	201	101	64	30	25	15	2,245	20,996	...	9
Total.....	456	408	311	206	178	150	113	81	365	240	115	70	33	25	15	2,766	26,384	...	9
Prome.																			
Deputy Commissioner...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	1	82	2	22
Assistant do. ...	3	13	12	10	6	3	5	4	12	8	3	5	3	3	1	91	1,008	...	12
Extra Commr. 1st Class	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	1	14	...	14
do. do. 2nd do.	3	64	164	150	124	98	45	43	108	62	20	25	9	6	4	925	7,473	...	8
do. do. 3rd do.	57	159	184	181	158	126	98	92	379	259	98	103	62	43	24	2,023	26,608	...	13
Total.....	63	236	360	341	288	227	148	139	500	329	121	133	74	53	29	3,041	35,185	...	12
Toungoo.																			
Deputy Commissioner...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Assistant do. ..	1	6	10	6	2	7	4	3	6	3	1	1	1	2	1	54	836	...	15
Extra Commr. 2nd Class.	8	94	106	31	81	83	87	56	79	21	11	21	26	2	7	713	7,815	...	11
do. do. 3rd do.	140	105	89	60	26	24	16	13	17	7	2	1	...	...	...	500	1,693	...	3
Total.....	149	205	205	97	109	114	107	72	102	31	14	23	27	4	8	1,267	10,344	...	8
GRAND TOTAL...	1030	1090	1889	1460	945	815	651	717	1890	1017	443	412	194	130	62	12,045	127713	...	11

No. 4. *(Continued).*

Suit.	Districts.	Courts.	Number of Cases Decided within days as under.														Total number of cases.	Total number of days	Average duration of each case.
			1 Day.	2 Days.	3 "	4 "	5 "	6 "	7 "	8 "	9 to 15 days.	16 to 24 days.	25 to 30 days.	31 to 45 days.	46 to 60 days.	61 to 91 days.	91 to 120 days.			
Miscellaneous.	*Rangoon.*	Commissioner of Pegu ...	29	3	1	...	...	2	1	...	2	1	...	...	1	...	...	40	142	4
		Deputy Commissioner ...	1	...	...	1	...	...	...	1	4	...	...	...	...	...	...	7	65	9
		Assistant do- ...	...	...	...	15	...	3	6	11	13	5	...	...	...	...	...	53	442	8
		do. do. 1st Class ...	...	...	...	...	10	6	2	5	11	7	1	...	...	...	...	42	394	9
		do. do. 3rd " ...	...	...	...	5	2	11	28	87	54	91	15	...	...	...	...	293	2,915	10
		Total ...	1	...	...	21	12	20	36	104	82	103	16	...	...	...	..	395	3,816	10
	Bassein.	Deputy Commissioner ...	10	9	4	2	...	...	...	...	...	...	...	...	...	...	...	25	48	2
		Assistant Commissioners ...	52	3	7	...	2	...	...	1	...	...	...	...	...	...	...	65	97	2
		Extra do. 1st Class ...	4	8	2	13	8	4	17	19	7	1	...	...	...	...	...	83	492	6
		do. do. 2nd " ...	94	8	8	6	4	2	1	1	7	8	...	1	...	...	...	140	410	3
		do. do. 3rd " ...	14	15	26	30	12	10	11	13	24	23	16	4	2	8	2	210	2,620	13
		Total ...	174	43	47	51	26	16	29	34	38	32	16	5	2	8	2	523	3,667	7

Miscellaneous.																									
Myanoung.	Deputy Commissioner	...	33	...	...	...	...	...	...	...	...	...	...	...	...	...	...	33	13	...	1
	Assistant Commissioner	...	19	1	...	...	...	...	...	...	...	...	...	...	...	...	...	20	21	...	1
	Extra Asst. do. 1st Class	...	5	...	...	7	...	...	...	...	...	...	...	...	...	...	...	12	33	...	3
	do. do. 2nd "	...	54	2	3	4	2	...	...	...	...	...	...	...	...	...	...	65	91	...	1
	do. do. 3rd "	...	99	22	22	10	9	4	3	1	56	18	43	3	1	...	...	291	2,721	...	9
	Total	...	220	25	25	21	11	4	3	1	56	18	43	3	1	...	...	421	2,397	...	10
Prome.	Deputy Commissioner	...	80	5	3	2	...	1	...	...	2	7	1	4	...	...	...	105	440	...	4
	Assistant Commissioner	...	13	7	6	2	5	1	3	2	5	11	5	5	...	1	2	68	878	...	13
	Extra Asst. do. 1st Class	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	do. do. 2nd "	...	35	33	40	21	9	13	10	13	34	27	38	6	1	...	8	288	3,250	...	11
	do. do. 3rd "	...	49	26	14	14	15	10	6	12	30	18	14	20	3	1	...	231	301	...	1
	Total	...	177	71	63	39	29	25	19	27	71	63	58	35	4	2	10	693	6,965	...	10
Toungoo.	Deputy Commissioner	...	226	...	...	...	...	...	...	...	5	...	...	...	...	...	...	231	301	...	1
	Assistant Commissioner	...	40	3	3	6	...	...	1	1	2	1	1	...	...	...	...	58	166	...	3
	Extra Asst. do. 2nd Class	...	113	98	43	25	49	73	69	27	21	3	1	2	...	...	...	524	2,373	...	5
	do. do. 3rd "	...	56	12	7	3	7	...	...	...	...	...	...	...	...	...	...	85	142	...	3
	Total	...	435	113	53	34	56	73	70	28	28	4	2	2	...	...	...	898	2,982	...	3
	GRAND TOTAL	...	1026	255	189	166	134	140	158	194	277	221	135	45	8	10	12	2970	19,969	...	7

RANGOON,
20th April 1869

R. D. ARDAGH, LT. COLONEL,
Commissioner of Pegu.

STATEMENT shewing the duration of Civil Suits in the Several Courts of the Pegu Division for the year 1868.

		Commissioner of Division.		Rangoon		Bassein.		Myanoung.		Prome.		Toungoo.	
		M.	D.	M.	D.	M.	D.	M.	D.	M.	D.	M.	D.
Appeals.	Commissioner of Division.	1	19	...	...	...	...	...	...	...	...	...	...
	Deputy Commissioners ...	...	...	27	27	2	11	5	23	3	9	...	13
Original.	Deputy Commissioners ...	...	...	3	10	...	...	...	...	2	22	...	...
	Assistant do. ...	...	...	1	23	...	10	...	7	...	12	...	15
	Extra do do. 1st Class...	...	...	...	7	...	7	...	9	...	14	...	...
	do. do. do. 2nd do. ...	...	...	...	...	...	9	...	10	...	8	...	11
	do. do. do. 3rd do. ...	...	...	...	13	...	11	...	9	...	13	...	3
Miscellaneous.	Commissioner of Division.	...	4	...	...	...	...	...	...	...	...	...	...
	Deputy Commissioner ...	...	...	...	9	...	2	...	1	...	4	...	1
	Assistant do. ...	...	...	...	8	...	2	...	1	...	13	...	3
	Extra do. do. 1st. Class...	...	...	...	9	...	6	...	3	...	...	...	...
	do. do. do. 2nd. do. ...	...	...	...	...	...	3	...	9	...	11	...	5
	do. do. do. 3rd. do. ...	...	...	...	10	...	13	...	9	...	10	...	3

RANGOON.
20th April, 1869.

R. D. ARDAGH,

Commmissioner of Pegu.

C.

STATEMENT shewing the result of Appeals and second Appeals in Civil Suits from each class of Courts in the Pegu Division of British Burma.

	Decree for Respondent.	Decree of Lower Court reversed or Modified.	Rejected.	Otherwise settled.	Total.
Regular Appeals.					
From Deputy Commissioners to Commissioner of Division.	....	...	...	...	...
" Assistant Commissioners to Deputy Commissioners	17	15	6	6	44
" Extra Assistant Commissioners 1st Grade to Deputy Commissioners ...	7	20	...	4	31
" Extra Assistant Commissioner's 2nd Grade to Deputy Commissioners ...	95	83	19	6	203
" Extra Assistant Commissioners 3rd Grade to Deputy Commissioners ...	191	217	20	27	455
2nd Appeals.					
To Commissioner of Division	21	9	6	9	45
Grand Total ...	331	344	51	52	778

RANGOON,
20th April 1869.

R. D. ARDAGH,
Commissioner of Pegu.

E.

STATEMENT showing the proportion in which Appeals from each Grade of Court were decided or otherwise dealt with in the Pegu Divison of British Burma.

	From Deputy Commissioner to Commissioner.		From Assistant Commissioners to Deputy Commissioners.		From Extra Assistant Commissioners 1st Class to Deputy Commissioners.		From Extra Assistant Commissioners 2nd Class to Deputy Commissioners.		From Extra Assistant Commissioners 3rd Class to Deputy Commissioners.	
Judgement confirmed including rejected Cases	27	50.94	23	44.23	7	21.87	114	47.90	211	39.23
Modified or reversed	9	16.98	15	28.84	20	62.50	83	34.87	217	40.33
Otherwise disposed of	9	16.98	6	11.54	4	12.50	6	2.52	27	5.02
Pending	8	15.10	8	15.39	1	3.12	35	14.71	83	15.42

RANGOON,
20th April 1869.

R. D. ARDAGH,
Commissioner of Pegu.

No.

STATEMENT of Suits of every description European and Native, in the Division of

	1	2	3	4	5	6	7	8	9
		No. of Suits pending at the close of 1867.				No. of Cases instituted during 1868.			
	Courts.	Appeals.	Original Suits.	Miscellaneous Cases.	Total	Appeals.	Original Suits.	Miscellaneous Cases.	Total.
	Commissioner's Court	2	„	„	2	28	„	77	105
	Total	2	„	„	2	28	„	77	105
Amherst.	Depty Commr:... ...	28	„	1	29	114	1	445	560
	Assistant do. ...	„	8	„	8	„	17	30	47
	Extra do. ...	„	„	„	„	„	„	„	„
	Myo-okes	„	56	16	72	„	970	427	1,397
	Total	28	64	17	109	114	988	902	2,004
Tavoy.	Deputy Commr: ...	6	„	„	6	132	„	42	174
	Extra Asst: do. ...	„	4	„	4	„	295	97	392
	Myo-okes	„	„	„	„	„	309	58	367
	Total	6	4	„	10	132	604	197	933
Mergui.	Deputy Commr: ...	„	„	„	„	56	„	197	253
	Extra Asst: do. ...	„	„	„	„	„	530	475	1,005
	Myo-okes	„	„	„	„	„	167	126	293
	Total	„	„	„	„	56	697	798	1,551
Shwe-gyeen	Deputy Commr:	12	„	„	12	106	1	18	125
	Assistant do.	„	4	„	4	„	18	12	30
	Extra do.	„	„	„	„	„	305	19	324
	Myo-okes	„	11	„	11	„	658	189	847
	Total	12	15	„	27	106	982	238	1,326
	Grand Total	48	83	17	148	436	3,271	2,212	5,919

MAULMAIN,
Commissioner's Office,
3rd March 1869.

1.

instituted, disposed of, and pending before all the Courts, Tenasserim of British Burma during the year 1868.

10	11	12	13	14	15	16	17	
No. of Cases disposed of during 1868.				No. of Cases pending at the close of 1868.				REMARKS.
Appeals.	Original Suits.	Miscellaneous Cases.	Total.	Appeals.	Original Suits.	Miscellaneous Cases.	Total.	
30	,,	77	107	,,	,,	,,	,,	
30	,,	77	107	,,	,,	,,	,,	
139	1	443	583	3	,,	3	6	
,,	22	28	50	,,	3	2	5	
,,	,,	,,	,,	,,	,,	,,	,,	
,,	950	404	1,354	,,	76	39	115	
139	973	875	1,987	3	79	44	126	
123	,,	42	165	15	,,	,,	15	
,,	273	97	370	,,	26	,,	26	
,,	307	58	365	,,	2	,,	2	
123	580	197	900	15	28	,,	43	
56	,,	197	253	,,	,,	,,	,,	
,,	530	475	1,005	,,	,,	,,	,,	
,,	167	126	293	,,	,,	,,	,,	
56	697	798	1,551	,,	,,	,,	,,	
108	1	18	127	10	,,	,,	10	
,,	20	10	30	,,	2	2	4	
,,	305	19	324	,,	,,	,,	,,	
,,	667	188	855	,,	2	1	3	
108	993	235	1,336	10	4	3	17	
456	3,243	2,182	5,881	28	111	47	186	

E. M. RYAN, LIEUTENANT COLONEL,
Offg: Commissioner, Tenasserim Division of British Burma.

No.

CLASSIFICATION of Appeals and Original Suits instituted be
year 1868, *as per Columns*

	APPEALS.																
		AMHERST.					TAVOY.				MERGUI				SHWE-		
	Before Commissioner.	Deputy Commissioner.	Assistant Commissioner.	Ex: Assistant Commissioner.	Myo-okes.	Total.	Deputy Commissioner.	Ex: Assistant Commissioner.	Myo-okes.	Total.	Deputy Commissioner.	Ex: Assistant Commissioner.	Myo-okes.	Total.	Deputy Commissioner.	Assistant Comissioner.	Ex: Assistant Commissioner.
I. Suits connected with immovable Property.																	
1. Houses	2	11	„	„	„	11	5	„	„	5	„	„	„	„	„	„	„
2. Lands...	14	22	„	„	„	22	39	„	„	39	5	„	„	5	17	„	„
3. Mortgages	„	„	„	„	„	„	1	„	„	1	„	„	„	„	„	„	„
4. Fisheries	„	1	„	„	„	1	„	„	„	„	„	„	„	„	„	„	„
5. Inheritance	2	1	„	„	„	1	6	„	„	6	1	„	„	1	1	„	„
6. Other Cases	1	4	„	„	„	4	1	„	„	1	„	„	„	„	„	„	„
II. Suits not connected with immovable Property.																	
1. Debt...	1	15	„	„	„	15	8	„	„	8	25	„	„	25	50	„	„
2. Damages for Breach of Contract or loss or injury to property..	1	11	„	„	„	11	16	„	„	16	8	„	„	8	15	„	„
3. Damages for personal injuries and wrongs	„	2	„	„	„	2	5	„	„	5	1	„	„	1	„	„	„
4. Marriage or Divorce...	„	3	„	„	„	3	4	„	„	4	1	„	„	1	1	„	„
5. Inheritance	1	2	„	„	„	2	4	„	„	4	2	„	„	2	2	„	„
6. Other Cases	6	42	„	„	„	42	43	„	„	43	13	„	„	13	20	„	„
TOTAL	28	114	„	„	„	114	132	„	„	132	56	„	„	56	106	„	„

MAULMAIN.
Commissioner's Office
3rd March 1869.

2.

fore all the Courts in the Division of Tenasserim during the 6 and 7 of Statement No. 1.

ORIGINAL.

GYEEN.			AMHERST.					TAVOY.				MERGUI.				SHWE-GYEEN.					
Myo-okes.	Total.	Grand Total.	Deputy Commissioner.	Assistant Commissioner.	Ex: Assistant Commissioner.	Myo-okes.	Total.	Deputy Commissioner.	Ex: Assistant Commissioner.	Myo-okes.	Total.	Deputy Commissioner.	Ex: Assistant Commissioner.	Myo-okes.	Total.	Deputy Commissioner.	Assistant Commissioner.	Ex: Assistant Commissioner.	Myo-okes.	Total.	Grand Total.
„	„	18	„	1	„	22	23	„	5	1	6	„	9	2	11	„	„	9	5	14	54
„	17	97	„	1	„	65	66	„	22	44	66	„	10	6	16	„	4	5	37	46	194
„	„	1	„	„	„	5	5	„	4	1	5	„	1	1	2	„	„	5	11	16	28
„	„	1	„	„	„	2	2	„	„	1	1	„	2	„	2	„	„	„	2	2	7
„	1	11	„	„	„	3	3	„	2	13	15	„	3	6	9	„	„	5	1	6	33
„	„	6	„	„	„	26	26	„	3	7	10	„	2	23	25	„	„	18	12	30	91
„	50	99	„	5	„	324	329	„	62	51	113	„	135	30	165	1	7	251	374	633	1240
„	15	51	„	1	„	74	75	„	75	52	127	„	46	11	57	„	4	„	38	42	301
„	„	8	„	„	„	12	12	„	8	22	30	„	„	4	4	„	„	1	11	12	58
„	1	9	„	„	„	24	24	„	6	14	20	„	38	17	55	„	„	11	16	27	126
„	2	11	„	2	„	4	6	„	2	23	25	„	„	1	1	„	3	„	6	9	41
„	20	124	1	7	„	409	417	„	106	80	186	„	284	66	350	„	„	„	145	145	1098
„	106	436	1	17	„	970	988	„	295	309	604	„	530	167	697	1	18	305	658	982	3271

E. M. RYAN LIEUT: COLONEL,
Offg: Commr: Tenasserim Division of British Burma.

No. 3.

DETAIL of Suits disposed of by all the Courts in the Division of Tenasserim, during the year 1868.

Description of Suits.		Rejected.	Decided on Trial.		Decreed *ex-parte*.	Compromised.	Withdrawn or dismissed in default.	Transferred.	Total.	Remarks.
			In favor of Appellant or Plaintiff.	In favor of Respondent or Defendant.						
Appeals.	Commissioner's Court	1	5	18	...	...	6	...	30	
	Amherst District.									
	Deputy Commissioner	20	67	45	...	2	5	...	139	
	Assistant do.	...	...	...	...	...	...	...	...	
	Extra do. do.	...	...	...	...	...	...	...	...	
	Myo-okes	...	...	...	...	...	...	...	...	
	Total...	20	67	45	...	2	5	...	139	
	Tavoy District.									
	Deputy Commissioner	6	54	63	...	...	...	...	123	
	Extra Assistant do.	...	...	...	...	...	...	...	...	
	Myo-okes	...	...	...	...	...	...	...	...	
	Total...	6	54	63	...	...	...	...	123	
	Mergui District.									
	Deputy Commissioner	...	21	35	...	...	...	...	56	
	Extra Assistant do.	...	...	...	...	...	...	...	...	
	Myo-okes	...	...	...	...	...	...	...	...	
	Total...	...	21	35	...	...	...	...	56	

ORIGINAL CASES.

Shwè Gyeen District.									
Deputy Commissioner	5	39	56	...	...	2	6	108
Assistant do.	...	...	...	...	...	...	...	...
Extra do. do.	...	...	...	...	...	...	...	...
Myo-okes	...	...	...	...	...	...	...	...
Total...	5	39	56	...	...	2	6	108
GRAND TOTAL.....	32	186	217	...	2	13	6	456
Amherst District.								
Deputy Commissioner	...	...	1	...	...	...	...	1
Assistant do.	...	9	9	1	...	3	...	22
Extra do. do.	...	...	...	...	...	...	...	...
Myo-okes	9	472	204	23	86	152	4	950
Total...	9	481	214	24	86	155	4	973
Tavoy District.								
Deputy Commissioner	...	...	...	...	...	...	...	...
Extra Assistant do.	4	170	39	6	52	2	...	273
Myo-okes	4	178	93	1	27	2	2	307
Total...	8	348	132	7	79	4	2	580
Mergui District.								
Deputy Commissioner	...	...	...	...	...	...	...	...
Extra Assistant do.	2	384	47	33	4	60	...	530
Myo-okes	...	124	37	2	1	3	...	167
Total...	2	508	84	35	5	63	...	697
Shwè Gyeen District.								
Deputy Commissioner	...	1	...	...	...	...	...	1
Assistant do.	...	13	3	...	3	1	...	20
Extra do. do.	...	165	53	...	39	48	...	305
Myo-okes	22	325	98	30	115	77	...	667
Total...	22	504	154	30	157	126	...	993
GRAND TOTAL.....	41	1841	584	96	327	348	6	3243

No. 3.—*(Continued.)*

Description of Suits.		Rejected.	Decided on Trial.		Decreed *ex-parte*.	Compromised.	Withdrawn or dismissed in default.	Transferred.	Total.	Remarks.
			In favor of Appellant or Plaintiff.	In favor of Respondant or Defendant.						
Miscellaneous.	Commissioner's Court	6	14	51	...	....	4	2	77	
	Amherst District.									
	Deputy Commissioner ..: ...	59	358	13	...	1	1	11	443	
	Assistant do.	1	12	2	...	....	...	13	28	
	Extra do. do.	...	...	...	...	...	...	...	...	
	Myo-okes	58	213	59	16	28	28	2	404	
	Total...	118	583	74	16	29	29	26	875	
	Tavoy District.									
	Deputy Commissioner	3	25	10	...	...	...	4	42	
	Extra Assistant do.	...	79	13	...	5	...	...	97	
	Myo-okes	...	46	10	...	2	...	...	58	
	Total...	3	150	33	...	7	...	4	197	
	Mergui District.									
	Deputy Commissioner	44	106	35	...	12	...	...	197	
	Extra Assistant do.	...	435	6	4	2	28	...	475	
	Myo-okes	...	123	2	...	...	1	...	126	
	Total...	44	664	43	4	14	29	...	798	

Shwè Gyeen District.									
Deputy Commissioner	4	12	2	...	...	...	...	18
Assistant do.	...	8	...	...	2	...	...	10
Extra do. do.	...	6	4	...	4	5	...	19
Myo-okes	2	114	37	2	25	8	...	188
Total...	6	140	43	2	31	13	...	235
GRAND TOTAL.....	177	1551	244	22	81	75	32	2182

E. M. RYAN,—*Lieut.-Colonel,*
Offg. Commissioner, Tenasserim Division of B. B.

MAULMAIN,
Commissioner's Office,
3rd March 1869.

No. 4.

SUPPLEMENTARY. Civil Return of the Division of Tenasserim, for the year 1868.

1	2	3		4		5			6			7			8
	COURTS.	Longest period any case on the file at the close of the year has been pending.		Average duration of Suits disposed of during the year.		Total amount value of Suits instituted during the year.			Value of Stamps on Law papers filed during the year.			Costs of every description inclusive of Stamps and Pleader's fees incurred by parties in Suits disposed of during the year.			REMARKS.
		Months.	Days.	Months.	Days.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	
Original.	Commissioner's Court....	...	...	...	...	.....	...	...	.....	...	...	.....	...	...	
	Amherst District.														
	Deputy Commissioner...	...	...	2	19	2,905	...	...	216	1	...	312	...	...	
	Assistant do. ...	3	16	...	18	14,151	...	...	872	14	...	1,655	11	...	
	Extra do. do. ...	...	...	...	...	.....	...	...	.....	...	...	.....	...	...	
	Myo-okes ...	17	24	...	25	53,752	3	8	5,744	1	...	11,027	5	9	
	Total ...	...	...	...	...	70,808	3	8	6,833	...	...	12,995	...	9	
	Tavoy.														
	Deputy Commissioner...	...	...	...	...	.....	...	...	.....	...	...	.....	...	...	
	Extra Assistant do. ...	9	3	...	14	13,230	12	2	1,434	9	...	2,526	15	8	
	Myo-okes ...	4	19	...	12	12,907	12	1	1,638	7	...	3,652	5	6	
	Total ...	...	...	...	...	26,138	8	3	3,073	...	...	6,179	5	2	

H

Appeals.

Mergui.													
Deputy Commissioner ...	...	...	...	...	.....	...	...	.....	...	...	.....	...	...
Extra Assistant do. ...	...	...	...	6	17,941	...	1	2,328	10	...	3,443	1	10
Myo-okes ...	...	...	...	5	4,771	12	7	591	...	...	1,496	14	3
Total ...	...	...	...	11	22,712	12	8	2,919	10	...	4,940	...	1
Shwé Gyeen.													
Deputy Commissioner ...	...	...	...	2	169	12	...	18	...	...	19	8	...
Assistant do. ...	...	20	...	3	4,562	5	10	543	8	...	584	...	...
Extra do. do. ...	...	...	...	6	15,950	1	7	1,377	...	...	1,568	10	...
Myo-okes ...	...	25	...	6	35,592	...	7	3,586	8	...	4,089	15	...
Total ...	...	45	...	17	56,274	4	...	5,525	...	...	6,262	1	...
Commissioner's Court ...	...	...	...	28	5,664	6	...	531	...	...	841	11	11
Amherst District													
Deputy Commissioner ...	...	10	...	8	20,620	7	9	1,228	15	...	1,639	6	7
Assistant do ...	...	...	...	...	.....	...	...	.....	...	...	.....	...	...
Extra do. do. ...	...	...	...	...	.....	...	...	.....	...	...	.....	...	...
Myo-okes ...	...	...	...	...	.....	...	...	.....	...	...	.....	...	...
Total ...	...	10	...	8	20,620	7	9	1,228	15	...	1,639	6	7
Tavoy.													
Deputy Commissioner ...	5	28	1	22	7,975	2	11	970	8	...	1,349	3	2
Extra Assistant do. ...	...	...	...	...	.....	...	...	.....	...	...	.....	...	...
Myo-okes ...	...	...	...	...	.....	...	...	.....	...	...	.....	...	...
Total ...	5	28	1	22	7,975	2	11	970	8	...	1,349	3	2
Mergui.													
Deputy Commissioner ...	...	...	...	12	2,778	5	7	357	6	...	579	12	8
Extra Assistant do. ...	...	...	...	...	.....	...	...	.....	...	...	.....	...	...
Myo-okes ...	...	...	...	...	.....	...	...	.....	...	...	.....	...	...
Total ...	...	...	...	12	2,778	5	7	357	6	...	579	12	8

No. 4—*(Continued.)*

1	2	3		4		5			6			7			8
	COURTS.	Longest period any case on the file at the close of the year has been pending.		Average duration of Suits disposed of during the year.		Total amount value of Suits instituted during the year.			Value of Stamps on Law papers filed during the year.			Costs of every description inclusive of Stamps and Pleader's fees incurred by parties in Suits disposed of during the year.			REMARKS.
		Months.	Days.	Months.	Days.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	
	Shwé Gyeen.														
	Deputy Commissioner ...	...	18	...	7	11,724	8	...	1,201	...	...	1,356	8	...	
	Assistant do. ...	...	...	...	...	.....	...	...	.....	...	...	.....	..	...	
	Extra do. do. ...	...	...	...	...	.....	...	...	.....	...	...	.....	...	...	
	Myo-okes ...	...	...	...	...	.....	...	...	.....	...	...	.....	...	...	
	Total ...	...	18	...	7	11,724	8	...	1,201	...	...	1,356	8	...	
	Commissioner's Court ...	...	...	...	1	.....	...	...	163	12	...	163	12	...	
	Amherst District.														
	Deputy Commissioner ...	1	7	...	6	250	...	...	216	10	...	242	4	...	
	Assistant do. ...	...	13	...	3	150	1	...	17	...	...	18	...	...	
	Extra do. do. ...	...	...	...	.....	.....	...	...	.....	...	...	.....	...	...	
	Myo-okes ...	...	27	...	15	5,343	12	...	379	15	...	1,479	12	3	
	Total ...	1	47	...	14	5,743	13	...	613	9	...	1,749	...	3	

Miscellaneous.	Deputy Commissioner ...	...	6	...	1	.....	...	...	103	1	...	163	1	...
	Extra Assistant do. ...	...	7	...	1	.....	...	...	133	3	...	242	3	4
	Myo-okes ...	...	6	...	1	.....	...	...	133	...	...	249	7	7
	Total ...	...	19	...	3	.....	...	...	369	4	...	594	11	11
	Mergui.													
	Deputy Commissioner ...	...	...	...	1	315	5	...	24	13	...	57	7	4
	Extra Assistant do. ...	...	...	...	1	397	13	5	301	9	...	587	8	4
	Myo-okes ...	...	...	...	1	1,572	15	7	19	3	...	72	5	2
	Total ...	...	...	...	3	2,286	2	...	345	9	...	717	4	10
	Shwé Gyeen.													
	Deputy Commissioner ...	...	...	...	2	1,200	8	...	9	8	...	12	8	...
	Assistant do. ...	...	6	...	1	614	6	...	9	...	...	17	2	...
	Extra do. do. ...	...	...	...	3	916	...	...	14	...	...	18	4	...
	Myo-okes ...	...	8	...	2	2,158	8	...	251	8	...	297	13	...
	Total ...	...	41	...	8	4,889	6	...	284	...	...	345	11	...
	GRAND TOTAL ...	...	33	...	14	2,37,615	15	9	24,415	9	...	39,704	9	4

MAULMAIN:
Commissioner's Office,
3rd *March*, 1869.

E. M. RYAN, LIEUT-COLONEL,
Officiating Commissioner, Tenasserim Division,
British Burma.

A.

Average duration of suits in the Civil Courts of the Tenasserim Division of British Burma during the year 1868.

Courts.	Appeals.		Original.		Miscellaneous.	
	Months.	Days.	Months.	Days.	Months.	Days.
Commissioner's Court ...	0	28	0	0	0	1
Court of Dy. Commr., Amherst District ...	0	8	2	19	0	6
Ditto. ditto. Tavoy ditto. ...	1	22	0	0	0	1
Ditto. ditto. Mergui ditto. ...	0	12	0	0	0	1
Ditto. ditto. Shwé-Gyeen ditto. ...	0	7	0	2	0	2
Court of Asst. Commr., Amherst District...	0	0	0	18	0	3
Ditto. dltto. Shwé-Gyeen ditto. ...	0	0	0	3	0	2
Court of Extra Assistant Commissioner...						
Court of Tseetkay, Shwé-Gyeen District...	0	0	0	6	0	3
Ditto. Tavoy ditto.	0	0	0	14	0	1
Ditto. Mergui ditto.	0	0	0	6	0	1
Court of Myo-Okes, Amherst District...	0	0	0	25	0	15
Ditto. Tavoy ditto.	0	0	0	12	0	1
Ditto. Mergui ditto.	0	0	0	5	0	1
Ditto. Shwé-Gyeen ditto.	0	0	0	6	0	2
Total average for the Division...	0	21	0	14	0	3

Maulmain,
Commissioner's Office.
3rd *March* 1869.

E. M. RYAN, Lieut-Colonel,
Offg. Commissioner, Tenasserim Division
British Burma.

B.

STATEMENT showing the Result of Appeals and Second Appeals in Civil Suits from all the Courts in the Tenasserim Division during the year 1868.

Courts.	Number Rejected.	Decree for Appellant on Trial.	Decree for Respondent on Trial.	Otherwise settled or adjusted.	Total.
Court of the Commissioner, Tenasserim Division - - -	1	5	18	6	30
Court of Deputy Commissioner, Amherst District - - -	20	67	45	7	139
Ditto. ditto. Tavoy ditto	6	54	63	„	123
Ditto. ditto. Mergui ditto	„	21	35	„	56
Ditto. ditto. Shwè Gyeen ditto	5	39	56	8	108
Total. -	32	186	217	21	456

MAULMAIN,
COMMISSIONER'S OFFICE,
3rd March 1869.

E. M. RYAN, LIEUT. COL.
Offg. Commissioner, Tenasserim Division of B. B.

C.

STATEMENT showing the results of Appeals and Second Appeals in all the Courts in the Tenasserim Division of British Burma during the year 1868.

COURTS FROM WHICH THE SECOND APPEALS AND APPEALS WERE PREFERRED.	TENASSERIM DIVISION.				
	Decree for Respondent.	Decree of Lower Court reversed or modified.	Rejected.	Otherwise settled	TOTAL.
2nd Appeals to the Court of the Commissioner, T. D					
From Court of the Deputy Commissioner, Amherst District...	9	4	...	...	13
Ditto ditto Tavoy ditto ...	4	1	1	3	9
Ditto ditto Mergui ditto ...	1	...	...	1	2
Ditto ditto Shwé Gyeen ditto ...	4	...	...	2	6
Total.....	18	5	1	6	30
Appeals to the Court of the Deputy Commissioner, Amherst District.					
From Court of the Assistant Commissioner, Amherst District...	3	3	...	...	6
Ditto Myo-okes ditto ...	42	64	20	7	133
Total.....	45	67	20	7	139
Appeals to the Court of the Deputy Commissioner, Tavoy District.					
From the Court of the Tseetkay, Tavoy District ...	19	22	2	...	43
Ditto Myo-okes ditto ...	44	32	4	...	80
Total.....	63	54	6	...	123
Appeals to the Deputy Commissioner, Mergui District.					
From the Court of the Tseetkay, Mergui District...	27	15	...	...	42
Ditto Myo-okes ditto ...	8	6	...	...	14
Total.....	35	21	...	...	56
Appeals to the Deputy Commissioner, Shwè-Gyeen District					
From the Assistant Commissioner, Shwè-Gyeen District...	1	...	1	...	2
Ditto Tseetkay ditto ...	14	9	1	2	26
Ditto Myo-okes ditto ...	41	30	3	6	80
Total.....	56	39	5	8	108
GRAND TOTAL.....	217	186	32	21	456

E. M. RYAN, LIEUT.-COLONEL,
Offg. Commissioner, Tenasserim Division of B. B

MAULMAIN,
COMMISSIONER'S OFFICE,
3*rd March* 1869.

D.

STATEMENT shewing the duration of Civil Cases in each grade of Court in each District of the Tenasserim Division during the year 1868.

District.	Grade of Court.	Number of Cases decided within days as under.															Total number of Cases.	Total number of days.	Average duration of each case.
		1 day.	2 days.	3 days.	4 days.	5 days.	6 days.	7 days.	8 days.	9 to 15 days.	16 to 24 days.	25 to 30 days.	31 to 45 days.	46 to 60 days.	61 to 90 days.	91 to 120 days.			
Amherst.	Dy. Commr's. Court (original suits)	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	1	79	79
	Asst. Commr's. Court „	...	...	...	1	1	2	1	5	2	2	2	5	1	...	...	22	408	18
	Myo-okes Court „	...	...	11	...	215	100	25	125	115	110	119	...	130	...	...	950	23,750	25
	Total.....	...	...	11	1	216	102	26	130	117	112	121	5	131	1	...	973	24,237	25
Tavoy.	Dy. Commr's. Court (original suits)	...	...	...	...	....	...	...	...	...	...	...	...	...	...	...	...	...	...
	Tseetkay's Court „	13	8	14	20	15	12	21	17	60	52	17	13	9	1	1	273	4,035	14
	Myo-oke's Court „	20	22	14	15	21	14	20	13	49	59	20	24	7	6	3	307	3,875	12
	Total.....	33	30	28	35	36	26	41	30	109	111	37	37	16	7	4	580	7,910	13

MERGUI.	Dy. Commr's Court (original suits)	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Tseetkay's Court ,,	22	178	85	44	37	28	28	16	55	11	9	13	1	...	3	530	3,302	6
	Myo-oke's Court ,,	8	50	29	21	17	7	10	4	7	8	2	3	1	...	...	167	928	5
	TOTAL.....	30	228	114	65	54	35	38	20	62	19	11	16	2	...	3	697	4,230	6
SHWÉ-GYEEN.	Dy. Commr's. Court (original suits)	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	1	2	2
	Asst. Commr's. Court ,,	...	7	3	8	...	1	1	...	...	...	...	...	...	...	...	20	68	3
	Tseetkay's Court ,,	...	30	55	35	36	34	52	43	12	3	5	...	...	...	...	305	1,960	6
	Myo-okes Court ,,	18	94	91	89	120	80	68	43	24	22	13	5	...	...	...	667	3,987	6
	TOTAL.....	18	132	149	132	156	115	121	86	36	25	18	5	...	...	...	993	6,017	6

MAULMAIN,
Commissioner's Office,
The 3rd March 1869.

E. M. RYAN, LIEUT-COLONEL.
Offg. Commissioner, Tenasserim Division, British Burma.

E.

STATEMENT shewing the Proportion in which Appeals from each Grade of Court were decided or otherwise dealt with in the Tenasserim Division during the year 1868.

District.		From Deputy Commissioner's Court to Commissioner's.	From Assistant Commrs. Court to Deputy Commissioner.	From Ex: Assistant Commissioner's Court to Deputy Commissioner.	From Ex: Assistant Commissioner's 2nd Class Tseetkays to Dy. Commissioner.	From Ex: Assistant Cymmissioner's 3rd Class Myo-okes to Dy: Commissioner.
Amherst.	Judgement confirmed including rejected cases	69.3.	50.0.	"	"	45.6.
	Reversed or modified - - - - - -	30.7.	50.0.	"	"	47.
	Otherwise disposed of - - - - - -	"	"	"	"	5.2.
	Pending - - - - - - - - -	"	"	"	"	2.2.
Tavoy.	Judgement confirmed including rejected cases	55.5.	"	"	44.7.	52.2.
	Reversed or modified - - - - - -	11.2.	"	"	46.8.	35.1.
	Otherwise disposed of - - - - - -	33.3.	"	"	"	"
	Pending - - - - - - - - -	"	"	"	8.5.	12.1.

Mergui.	Judgement confirmed including rejected cases	50.0.	"	"	64.3.	57.2.
	Reversed or modified	"	"	"	35.7.	42.8.
	Otherwise disposed of	50.0.	"	"	"	"
	Pending	"	"	"	"	"
Shwe-gyeen.	Judgement confirmed including rejected cases	66.6.	100.0.	"	51.7.	50.6.
	Reversed or modified	"	"	"	31.1.	34.4.
	Otherwise disposed of	33.4.	"	"	6.9.	6.9.
	Pending	"	"	"	10.3.	8.1.
Tenasserim Division.	Judgement confirmed including rejected cases	63.4.	62.5.	"	53.4.	49.4.
	Reversed or modified	16.6.	37.5.	"	38.1.	40.3.
	Otherwise disposed of	20.0.	"	"	2.6.	3.9.
	Pending	"	"	"	5.9.	6.4.

MAULMAIN,
COMMISSIONER'S OFFICE,
3rd March 1859.

E. M. RYAN, *Lieut. Colonel.*

Officiating Commissioner, Tenasserim Division, of British Burma.

F.

DETAILED STATEMENT of Miscellaneous Cases and those arising under Section 22, of Act 1 of 1863, instituted, disposed of, and pending as entered in columns 4, 8, 12, and 16 of Statement No. 1 in the Courts of the Tenasserim Division for the year 1868.

NATURE OF CASES.	PENDING.		INSTITUTED.		DISPOSED OF.		PENDING.	
	Appeals.	Miscellaneous Cases.	Appeals.	Miscellaneous Cases.	Appeals.	Miscellaneous Cases.	Appeals.	Miscellaneous Cases.
Amherst District.								
Letters of administration under Act XXVII of 1860.	„	„	„	5	„	5	„	„
Application for probate under Act X of 1865. -	„	„	„	1	„	1	„	„
Intestate Estate. - - - - - - -	„	„	„	11	„	11	„	„
Interlocutory orders. - - - - - - -	„	„	„	340	„	311	„	29
Application for Review of Judgement. - - -	„	„	„	10	„	9	„	1
Objection to attachment of property in Execution of Decrees. - - - - - - - - -	„	„	„	20	„	20	„	„
Application for execution of Decrees from Recorder's Courts. - - - - - - - - -	„	„	„	50	„	50	„	„
Do. other Courts. - - -	„	„	„	265	„	265	„	„
For withdrawal and payment of Deposits. - -	„	„	„	50	„	50	„	„
Report in Civil Cases. - - - - - -	„	17	„	150	„	153	„	14
Total....	„	17	„	902	„	875	„	44

Tavoy District.								
Cases arising under Section 22 of Act I. of 1863. -	...	...	...	1	...	1	...	...
Application for Certificate for the collection of debts on succession. - - - - - - - -	...	...	...	4	...	4	...	...
Proceedings and Reports from the Extra Asst: Commissioner's 2nd, 3rd, 4th and 5th Classes. -	...	...	...	26	...	26	...	...
Applications for execution of Decrees. - - -	...	...	4	117	4	117	...	...
Miscellaneous Cases referred by the Deputy Commissioner. - - - - - - - - -	...	...	...	26	...	26	...	...
All other Miscellaneous Cases. - - - -	...	...	3	16	3	16	...	...
Total...	...	...	7	190	7	190	...	..
Mergui District.								
Application for Copy of Decree. - - - -	...	...	...	181	...	181	...	...
Petition to decide the Case according to Custom. -	...	...	...	3	...	3	...	...
Petition regarding cost of suit. - - - -	...	...	...	6	...	6	...	...
Petition for Certificate of Administration. - -	...	...	...	2	...	2	...	...
Application for situation. - - - - -	...	...	...	7	...	7	...	...
Execution of Decree. - - - - - -	...	...	...	158	...	158	...	...
Application for review of judgement. - - -	...	...	...	3	...	3	...	...
Miscellaneous Petition. - - - - - -	...	...	...	438	...	438	...	...
Total...	...	...	...	798	...	798	...	...

F.—*(Continued)*

NATURE OF CASES.	PENDING.		INSTITUTED.		DISPOSED OF.		PENDING.	
	Appeals.	Miscellaneous Cases.	Appeals.	Miscellaneous Cases.	Appeals.	Miscellaneous Cases.	Appeals.	Miscellaneous Cases.
Shwè Gyeen District.								
Application for Execution of Decrees and with drawal of Warrants. - - - - - - - -	...	...	...	147	...	147	...	...
Do. Do. restoration of property in custody of the Courts. - - - - - - - - -	...	...	...	63	...	63	...	...
Do. Do. Certificate to administer to intestate Estates. - - - - - - -	...	...	...	1	...	1	...	...
Other Miscellaneous Civil Cases. - - - -	...	...	...	27	...	24	...	3
Total...	...	...	...	238	...	235	...	3

MAULMAIN:
Commissioner's Office,
3rd *March* 1869.

E. M. RYAN. LIEUT-COLONEL,

Officiating Commissioner, Tenasserim Division, of

British Burma,

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